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OF THE

Commonwealth of Massachusetts, —

PASSED AT THE SEVERAL

SESSIONS OF THE GENERAL COURT,

BEGINNING JAN., 1834, AND ENDING APRIL, 1836.

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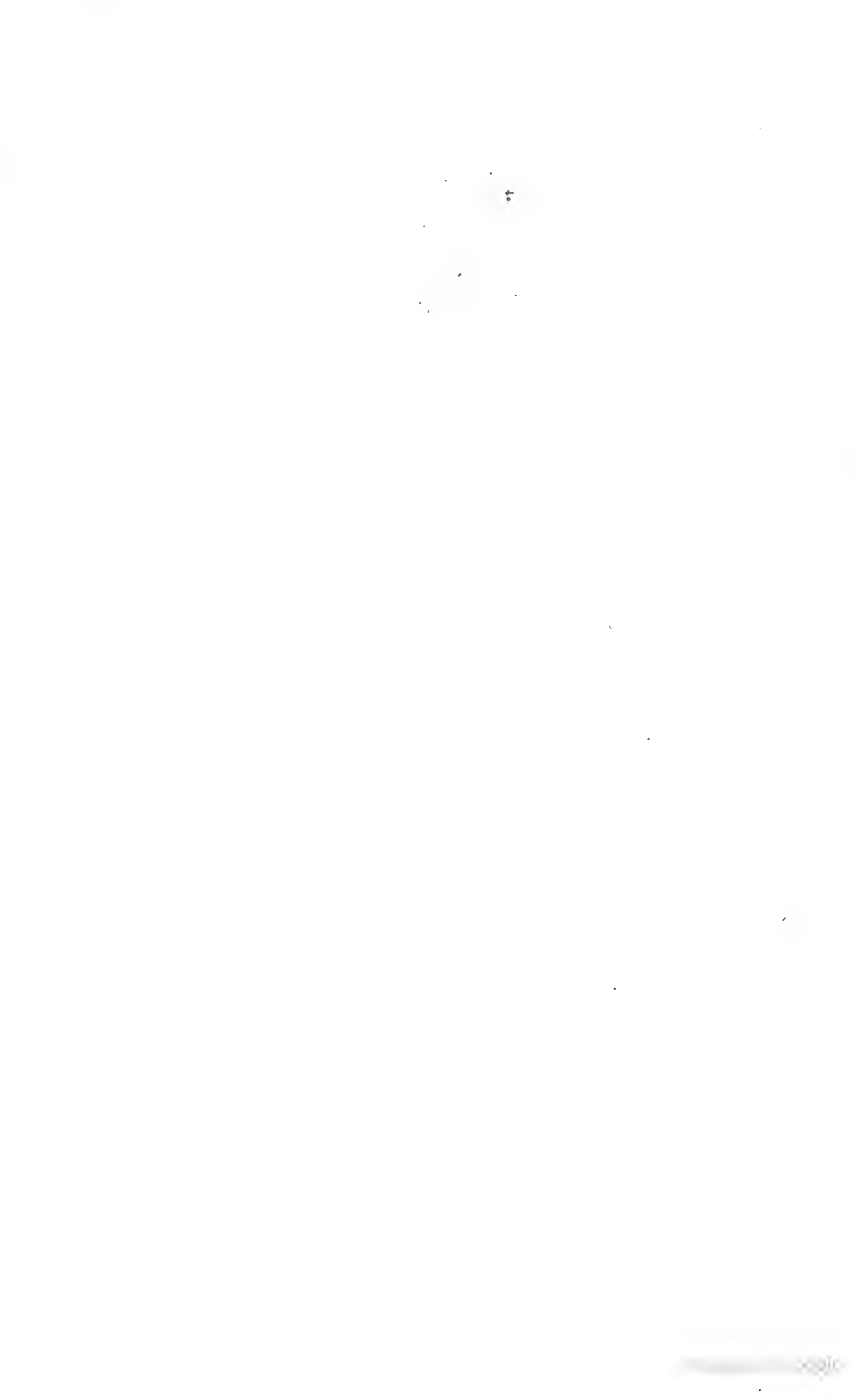
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L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION WHICH COMMENCED ON WEDNESDAY, THE FIRST OF JANUARY
AND ENDED ON WEDNESDAY, THE SECOND OF APRIL, ONE THOUSAND
EIGHT HUNDRED AND THIRTY-FOUR.

Published agreeably to a Resolve of the sixteenth January, 1812.



Boston:

DUTTON & WENTWORTH, PRINTERS TO THE STATE.

.....
1834.

The Great Hall of the
The British Museum

L A W S

OF THE

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PASSED BY THE GENERAL COURT,

AT THEIR SESSION WHICH COMMENCED ON WEDNESDAY, THE FIRST
OF JANUARY, AND ENDED ON WEDNESDAY, THE SECOND
OF APRIL, ONE THOUSAND EIGHT HUNDRED
AND THIRTY-FOUR.

CHAP. I.

An Act in further addition to an Act to establish the
Boston and Lowell Rail Road Corporation.

BE *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same,* That the capital stock
of the Boston and Lowell Rail Road Corporation,
shall consist of twenty-four hundred shares, instead
of twelve hundred, as is provided by an act in ad-
dition to an Act to establish the Boston and Lowell

No. of shares in-
creased.

BOSTON & LOWELL R. R. COR. *Jan. 31, 1834.*

Time for completing road extended two years.

Rail Road Corporation, passed and approved the eleventh day of March, A. D. eighteen hundred and thirty-one. And the further term of two years is hereby allowed to said corporation for the purpose of completing the said rail road, in addition to the time granted by the thirteenth section of the act incorporating said Boston and Lowell Rail Road Corporation.

[Approved by the Governor, January 31, 1834.]

CHAP. II.

An Act in addition to "An Act making further provision for the survivorship of Civil Actions."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all actions of trespass and of trespass upon the case, which are now pending, or which may hereafter be commenced, for injury to personal property, whether such injury be caused by misfeasance or nonfeasance, shall be regarded as actions which survive to and against the executors and administrators of the parties causing and sustaining such injury, and may be proceeded in, in the same manner as is provided by the first section of the statute of eighteen hundred and twenty-two, chapter one hundred and ten, entitled, "an act for the regulating actions of replevin and trover."

Actions of trespass, &c., regarded as actions which survive to and against executors and administrators.

[Approved by the Governor, January 31, 1834.]

CHAP. III.

An Act to confirm the location of Zeno Killey's Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zeno Killey be, and he hereby is, authorized and allowed to continue and maintain a wharf erected by him in the Bass river, in the south part of Yarmouth, and extending into the channel of said river, not exceeding twenty feet.*

[Approved by the Governor, January 31, 1834.]

CHAP. IV.

An Act to incorporate the Boston Chemical Printing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Lemuel Blake, Henry Bowen, and Jonathan Dorr, their associates and successors, are hereby constituted a body corporate, by the name of "The Boston Chemical Printing Company," for the purpose of carrying on* Persons incorporated.

the business of printing cotton, linen, and other fabrics, on types and stereotype plates, in the city of Boston, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the fifty-third chapter of the statutes of the year one thousand eight hundred and twenty-nine, entitled "an act defining the general powers and duties of manufacturing corporations."

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may be seized and possessed of such real estate in the city of Boston, not exceeding twenty thousand dollars in value, and of such personal estate, not exceeding one hundred thousand dollars in value, as may be necessary and convenient for carrying on the business aforesaid.

[Approved by the Governor, January 31, 1834.]

CHAP. V.

An Act to incorporate the Fuller Academy.

Persons incorporated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joel Fuller, Seth Davis, Lemuel Crehore, and Nathaniel Fuller, their associates and successors, are hereby incorporated as trustees of the Fuller Academy, to be established in the town of Newton, in the county of Middlesex, with the powers and requirements contained in the statute of one thousand eight hundred and thirty-

three, chapter eighty-third ; with power to hold real Real and personal estate. and personal estate, not exceeding in value the sum of twenty thousand dollars, to be devoted exclusively to the purposes of education.

[Approved by the Governor, January 31st, 1834.]

CHAP. VI.

An Act *in addition* to an Act to incorporate the Roxbury India Rubber Factory.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Roxbury India Rubber Factory are hereby authorized to take Authorized to take and hold real and personal estate. and hold real estate necessary for the purpose of prosecuting the business of said corporation, to an amount not exceeding eighty thousand dollars in value, and personal estate to an amount not exceeding one hundred and sixty thousand dollars in value, the limitation in the act to which this act is in addition, to the contrary notwithstanding.

[Approved by the Governor, January 31, 1834.]

CHAP. VII.

An Act to establish a Fire Department in the town of New Bedford.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of New Bedford qualified to vote in town affairs, at their annual meeting for the choice of town officers, shall choose, by ballot, a number of citizens not exceeding twenty, for firewards, who shall hold their offices until others are chosen and organized in their stead, and shall have all the powers, perform all the duties, and be liable to all the penalties which are given to and required of firewards generally, by the laws of this Commonwealth.

Number of fire-wards.

Time of organization.

Town clerk to be clerk of the board.

SEC. 2. *Be it further enacted,* That said firewards so chosen, shall, within three days after their acceptance of the trust, meet at some convenient place in said town, and organize themselves into a board by choosing a chairman. It shall be the duty of the town clerk of said town to appoint a time and place for the first meeting of said firewards, to notify them thereof, and, if required by their chairman, to perform the same service at all succeeding meetings. Said town clerk shall preside at the election of chairman, shall be clerk of the board, shall record all their proceedings in a book kept for that purpose, and shall receive for his services such compensation as the board of firewards shall determine.

SEC. 3. *Be it further enacted*, That said board of firewards be, and they are hereby authorized and required to exercise all the powers, and perform all the duties relative to the appointment of enginemen, which the selectmen of said town have heretofore been authorized and required to exercise and perform ; and all appointments made by said board of firewards pursuant to this act, shall subject the persons so appointed, to the same duties, and entitle them to the same privileges and exemptions, as enginemen are by law entitled to, when appointed by selectmen. *Provided, however*, that they shall not be exempted from military duty, unless, within ten days after their appointment, and annually in the month of April, they shall produce to the commanding officer of the company, within whose limits they reside, certificates of their appointments from the said board of firewards, signed by their chairman.

Powers and duties of the board of firewards.

SEC. 4. *Be it further enacted*, That the said board of firewards be, and they are hereby authorized and empowered to appoint such a number of men to the engines, hose, hook and ladder carriages, and to constitute a company for securing property, endangered by fire, to be called a fire company, as they shall deem expedient. *Provided*, that the number of men appointed to each engine with suction hose, shall not exceed one hundred ; to each engine without suction hose, fifty men ; to each hook and ladder carriage, forty men ; and for a fire company, fifty men. They are also authorized and empowered to appoint three men, as engineers, who shall exercise such supervising control and authority relative to the operations for extinguishing fires and to the inspection and preservation of the fire apparatus belonging to said town, as the board of

Board of firewards authorized to appoint men to the engines, &c.

authorized to appoint engineers.

Organization,
rules and regula-
tions of the fire
company, &c.

firewards may from time to time delegate to them ; and the said engine, hose, hook and ladder carriage men, and the fire company, are authorized to organize themselves into distinct companies, to elect captains, clerks, and other necessary officers, to establish such rules and regulations as may be approved by the board of firewards, to annex penalties to the breach of the same, which may be sued for, and recovered by the clerk of any company so organized, before any court of competent jurisdiction, and shall be appropriated to the use of such company. *Provided*, that no penalty shall exceed the sum of ten dollars ; *and provided further*, that such rules and regulations be not repugnant to the constitution and laws of the Commonwealth.

Board of fire-
wards to have the
superintendence
of the public en-
gines, &c.

SEC. 5. *Be it further enacted*, That the said board of firewards shall have the care and superintendence of the public engines, hose, fire hooks, and ladder carriages and ladders, together with the buildings, fixtures and appendages thereto belonging, and all other apparatus owned by said town of New Bedford, and used for extinguishing fires, and shall cause the same to be kept in repair, and when worn out, to be replaced, and from time to time to make such alterations therein, and additions thereto, as they shall deem necessary : *provided*, such alterations, additions or repairs shall not exceed, in any one year, three hundred dollars, unless said town of New Bedford shall have authorized a larger appropriation.

Board of fire-
wards to estab-
lish rules and or-
dinances.

SEC. 6. *Be it further enacted*, That the said board of firewards, at any meeting called, as herein provided, may establish such rules and ordinances, as they may judge proper, to prohibit, or regulate the carrying of fire, fire brands, lighted matches, or

any other ignited materials, openly in the streets and thoroughfares of said town, or in such parts thereof as they may designate, and to prohibit any owners, or occupants of any building within said town, or such parts thereof as said board may designate, from erecting or maintaining any defective chimney, hearth, oven, stove or stove pipe, fire frame, or other fixture, deposit of ashes, or any mixture, or other material which may produce spontaneous combustion, or whatever else may give just cause of alarm, and may be the means of kindling or spreading fire. *Provided*, such rules and ordinances shall not be repugnant to the constitution and laws of the Commonwealth, and shall not be binding until the same shall have been approved by the inhabitants of said town, in legal meeting held for that purpose, and published in some newspaper printed in New Bedford. And the said board of fire-wards may annex suitable penalties to the breaches of any of said rules and ordinances, not exceeding twenty dollars for any one breach thereof. And the same may be prosecuted for, and recovered by the town clerk of said town, in his own name, before any court of competent jurisdiction. And all penalties so recovered, shall be appropriated by said board to the improvement of the fire apparatus of said town. Penalties.

SEC. 7. *Be it further enacted*, That all former laws inconsistent with the provisions of this act, shall be repealed, and this act shall take effect, so soon as said town, at any meeting legally called for that purpose, shall accept the same. At which meeting the firewards shall be elected, as herein prescribed, who shall hold their offices until others are chosen and organized at the annual meeting for Act when to take effect.

the choice of town officers for the year of our Lord eighteen hundred and thirty-five, any thing in this act to the contrary notwithstanding ; but vacancies in said board may be filled at any legal meeting called for that purpose.

[Approved by the Governor, January 31, 1834.]

CHAP. VIII.

An Act to incorporate the Duxbury Fire and Marine Insurance Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ezra Weston, Charles Drew, Gershom B. Weston, their associates, successors and assigns, are hereby incorporated by the name of the Duxbury Fire and Marine Insurance Company, to be located in the town of Duxbury, for the purpose of making loans and insurance against fire and maritime losses, in the customary manner, with all the privileges, and subject to all the duties and obligations contained in the one hundred and twentieth chapter of the statutes of the year eighteen hundred and seventeen, and the ninety-fifth chapter of the statutes of the year eighteen hundred and thirty-two, for and during the term of twenty years from and after the passing of this act.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be seventy-five thousand

dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint; and they may purchase, hold and convey any estate, real or personal, for the use of said company. *Provided*, the real estate shall not exceed the value of seven thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Real and personal estate.

[Approved by the Governor, February 3, 1834.]

CHAP. IX.

An Act to authorize the Globe Fire and Marine Insurance Company to reduce the amount of their Capital Stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the capital stock of the Globe Fire and Marine Insurance Company shall be two hundred thousand dollars, exclusive of premium notes and profits arising from business, any thing in their act of incorporation to the contrary notwithstanding.

[Approved by the Governor, February 3, 1834.]

CHAP. X.

An Act in addition to "An Act to regulate the Pilotage for the Harbor of Boston."

Statute of 1829
repealed in part.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the "second chapter of the statutes of the year eighteen hundred and twenty-nine," as exempts all American vessels engaged in the plaster trade bound from any port within the provinces of New Brunswick and Nova Scotia, from the payment of fees for pilotage, be, and the same is hereby repealed: and hereafter all such vessels shall be liable to the payment of pilotage fees, in the like way and manner as other vessels entering the harbor of Boston.

[Approved by the Governor, February 3, 1834.]

CHAP. XI.

An Act in addition to "An Act to incorporate the Dartmouth Bridge Company."

Time extended
for completing
bridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a further time of one year from and after the eighth day of February,

eighteen hundred and thirty-four, be allowed the Dartmouth Bridge Company, to complete the bridge which they are authorized to build by an act entitled "an act to incorporate the Dartmouth Bridge Company."

[Approved by the Governor, February 4, 1834.]

CHAP. XII.

An Act to incorporate the Proprietors of the Norfolk Laboratory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John H. Blake, James H. Haven, and Otis Everett, Jr., together with such other persons as may become associates with them, their successors and assigns, are hereby created a body corporate, by the name of the Proprietors of the Norfolk Laboratory, for the purpose of manufacturing chemical preparations, at Roxbury, in the county of Norfolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value the sum of twenty thousand dol-

Real and personal estate.

lars, and such personal estate, not exceeding in value the sum of thirty thousand dollars, as may be suitable and convenient for carrying on the manufacture aforesaid.

[Approved by the Governor, February 12, 1834.]

CHAP. XIII.

An Act to incorporate the Davisville Manufacturing Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Phinehas Davis, Isaac Davis, and Joseph Davis, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Davisville Manufacturing Company, for the purpose of manufacturing cotton, and the machinery therefor, in the town of Northborough, in the county of Worcester, and for these purposes shall have all the powers and privileges, and be subject to all the duties and requirements contained in "an act defining the general powers and duties of manufacturing corporations," passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty.

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thou-

sand dollars, and such personal estate, not exceeding the value of sixty thousand dollars, as may be necessary and convenient for the purpose aforesaid.

[Approved by the Governor, February 12, 1834.]

CHAP. XIV.

An Act to change the name of Troy to Fall River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after Change of name. the passage of this act, the name of the town of Troy, in the county of Bristol, shall cease, and the said town shall hereafter be called and known by the name of Fall River, and by this name shall be entitled to all the rights and privileges, and subject to all the duties and obligations to which it would have been entitled and subject, if the name had not been changed as aforesaid.

[Approved by the Governor, February 12, 1834.]

CHAP. XV.

An Act conferring certain special powers upon the County Commissioners of the County of Hampshire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the county commissioners for the county of Hampshire be, and they hereby are authorized, if they see fit, on application to them made by the selectmen of the town of Cummington, in said county, to order and direct that a sum not exceeding one half of the whole expense incurred by said town, in making an alteration in the county road, near John Ford's factory, in said town, together with a like proportion of the expense of erecting a brige over the Westfield river, on that part of the road so altered, all which expenses were incurred by said town in the months of October and November last, shall be paid to said town out of the treasury of said county; and that the said commissioners shall be, and hereby are authorized to view, accept and establish said road and bridge, in the same manner as if they had been constructed under authority of an order from them obtained by a petition in manner and form as prescribed by the statute.

Commissioners authorized to act, on application of selectmen of the town of Cummington, respecting road and bridge.

[Approved by the Governor, February 12, 1834.]

CHAP. XVI.

An Act to increase the number of Enginemen in the town of Salem.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the firewards of the town of Salem, be, and they hereby are authorized, if they shall judge it expedient, to nominate and appoint any number of enginemen, in addition to the number now authorized by law, not exceeding in the whole, sixty men, for each and every engine in said town.

Firewards may increase the number of enginemen.

[Approved by the Governor, February 17, 1834.]

CHAP. XVII.

An Act to incorporate the First Liberal Congregational Society in West Boylston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Smith, Ezekiel Pierce, and Charles Nash, their associates and successors, are hereby made a corporation, by the name of the First Liberal Congregational Society in West Boylston, with all the powers and privileges, and subject to all the duties and liabilities by law

Persons incorporated.

incident to religious societies legally established in this Commonwealth.

Estate.

SEC. 2. *Be it further enacted,* That said corporation may hold and manage any estate necessary for the purposes aforesaid, the annual income of which shall not exceed two thousand dollars.

[Approved by the Governor, February 21, 1834.]

CHAP. XVIII.

An Act to incorporate the Hingham, Cohasset, and Scituate Fire and Marine Insurance Company.

*Persons incorpo-
rated.*

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Whittemore, David Whiton, Luther J. Barnes, Henry Nye, Isaac Barnes, their associates, successors and assigns, are hereby incorporated by the name of the Hingham, Cohasset, and Scituate Fire and Marine Insurance Company, to be established in the town of Hingham, for the purpose of making loans and insurance against fire and maritime losses in the customary manner, with all the privileges, and subject to all the duties and obligations contained in the one hundred and twentieth chapter of the statutes of the year eighteen hundred and seventeen, and the ninety-fifth chapter of the statutes of the year eighteen hundred and thirty-two, for and during the term of twenty years from and after the passing of this act.

SEC. 2. *Be it further enacted*, That the capital Capital stock. stock of said company shall be fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties as the president and directors of said company shall order and appoint; and they may purchase, hold and convey any estate, real or personal, for the use of said company; *provided*, the real estate shall not exceed the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 3. *Be it further enacted*, That said com- Risks.pany shall at no time take any one risk by way of policy of insurance, maritime loan, or otherwise, to a greater amount than seven per cent. on their capital stock actually paid in.

[Approved by the Governor, February 21, 1834.]

CHAP. XIX.

An Act to incorporate the Congregational Society in Egremont.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Andrew Bacon, Persons incorpo-
rated. Chester Goodale, Jr., Levi Hare, Wilber Curtis, and Nathan Benjamin, their associates and successors, are hereby made a corporation, by the name of the Congregational Society in Egremont, with all

the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies in this Commonwealth.

Estate.

SEC. 2. *Be it further enacted,* That said corporation may hold and manage any estate necessary for the purposes aforesaid, not exceeding in value the sum of ten thousand dollars.

[Approved by the Governor, February 21, 1834.]

CHAP. XX.

An Act to incorporate the First Baptist Society in Andover.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Reuben Frye, Jeremiah Goldsmith, Benjamin Abbot, Jr., and Stephen Lovejoy, their associates and successors, are hereby made a corporation, by the name of the First Baptist Society in Andover, with all the powers and privileges, "and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth."

Estate.

SEC. 2. *Be it further enacted,* That said corporation have power to hold and manage any estate, the annual income of which, exclusive of their meeting house, shall not exceed three thousand dollars.

[Approved by the Governor, February 21, 1834.]

CHAP. XXI.

An Act authorizing Andrew Robeson, to construct
a Wharf in the town of Fall River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Andrew Robeson, of New Bedford, is hereby authorized to build a wharf in Mount Hope Bay, or Taunton Great River, in the town of Fall River, below low water mark, adjoining his land, not to exceed four hundred feet into the channel of said bay or river, in a westerly and northerly direction, as wide as the abutments now there erected, (over the remains of an ancient wharf) and extending at right angles from the general course of the shore.

Wharf not to exceed 400 feet.

And said Robeson is hereby allowed the exclusive use of sufficient water for the accommodation and occupation of said wharf, or any part thereof, when so constructed; *provided*, the erection and improvement of said wharf shall in no wise injure the rights or property of any other person or persons whatever.

[Approved by the Governor, February 21, 1834.]

CHAP. XXII.

An Act to incorporate "the Federal Street Baptist Society," in the city of Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Heman Lincoln, Richard Fletcher, and Josiah Marshall, with their associates and successors, are hereby made a corporation, by the name of "the Federal Street Baptist Society," with all the powers and privileges to which parishes and other religious societies are, or shall be entitled by the constitution and laws of this Commonwealth.

Persons incorpo-
rated.

[Approved by the Governor, February 21, 1834.]

CHAP. XXIII.

An Act in addition to an Act for incorporating the Proprietors of the Tabernacle Church in Salem.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a notice posted at the place, and in the manner prescribed in the act to which this is in addition, seven days before any meeting of said proprietors, for the choice of offi-

Notice for choice
of officers, &c.

cers or the transaction of business, shall be taken and deemed to be a legal and sufficient notice for such meeting, any thing in the act to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, February 21, 1834.]

CHAP. XXIV.

An Act to incorporate the First Unitarian Congregational Society in Boylston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Baxter Wood, Persons incorpo-
rated. David Kendall, and Eli B. Lamson, their associates and successors, are hereby made a corporation, by the name of the First Unitarian Congregational Society in Boylston, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

SEC. 2. *Be it further enacted,* That said corpo- Estate. ration may hold and manage any estate necessary for the purposes aforesaid, the annual income of which shall not exceed two thousand dollars.

[Approved by the Governor, February 21, 1834.]

CHAP. XXV.

An Act to incorporate the Village Baptist Society
in Fitchburg.Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Crocker, Samuel A. Wheeler, Phinehas A. Crocker, their associates and successors, are hereby made a corporation, by the name of the Village Baptist Society in Fitchburg, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Estate.

SEC. 2. *Be it further enacted,* That said corporation may hold and manage any estate necessary for the purposes aforesaid, not exceeding in value the sum of ten thousand dollars.

[Approved by the Governor, February 21, 1834.]

CHAP. XXVI.

An Act to incorporate the Fall River Fire and Ma-
rine Insurance Company.Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Eddy, Har-

vey Chace, John S. Cotton, Nathaniel B. Borden, and Samuel Chace, their associates, successors and assigns, are hereby incorporated, by the name of the Fall River Fire and Marine Insurance Company, to be established in the village of Fall River, in the county of Bristol, for the purpose of making loans and insurance against fire and maritime losses, in the customary manner, with all the privileges, and subject to all the duties and obligations contained in the one hundred and twentieth chapter of the statutes of the year eighteen hundred and seventeen, and the ninety-fifth chapter of the statutes of the year eighteen hundred and thirty-two, for and during the term of twenty years from and after the passing of this act.

SEC. 2. *Be it further enacted,* That the capital Capital stock. stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint; and they may purchase, hold and convey any estate, real or personal, for the use of said company; *provided*, the real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

[Approved by the Governor, February 21, 1834.]

CHAP. XXVII.

An Act to incorporate the Boston Society of Artists.

Persons incorpo-
rated.

Real and person-
al estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abel Bowen, Alexander Parris, and Jerome V. C. Smith, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Boston Society of Artists, for the purpose of encouraging the introduction and extension of new and useful improvements, inventions or discoveries in the arts and sciences, mechanics and manufactures, by premiums, exhibitions and otherwise, and for the purpose of relieving distressed artists and mechanicians, and their families. And said corporation may hold and manage real estate not exceeding in value fifty thousand dollars, and personal estate not exceeding a like sum, for the purposes aforesaid.

[Approved by the Governor, February 24, 1834.]

CHAP. XXVIII.

An Act to incorporate the Marland Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abraham Marland, Benjamin H. Punchard, and John Marland, Persons incorporated. their associates, successors and assigns, are hereby made a corporation, by the name of the Marland Manufacturing Company, for the purpose of manufacturing woollen and cotton goods, in the town of Andover, in the county of Essex, with all the powers and privileges, and subject to all the duties and requirements contained in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

SEC. 2. *Be it further enacted,* That the said Real and personal estate. corporation may take and hold such real estate, not exceeding in value the sum of forty thousand dollars, and such personal estate, not exceeding in value the sum of sixty thousand dollars, as may be suitable and convenient for carrying on the manufactures aforesaid.

[Approved by the Governor, February 24, 1834.]

CHAP. XXIX.

An Act to repeal an Act providing for the use of
Broad Rimmed Wheels.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an act passed the eighth day of March, one thousand eight hundred and twenty-eight, entitled, "an act providing for the use of broad rimmed wheels," be, and the same is hereby repealed.

Act of 1828 re-
pealed.

[Approved by the Governor, February 24, 1834.]

CHAP. XXX.

An Act to incorporate the Female Auxiliary Bible
Society of Boston and vicinity.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Anne Parker, Hannah Lloyd, and Mary Erving, their associates and successors, are hereby incorporated, for the purpose of distributing the bible, by the name of the Female Auxiliary Bible Society of Boston and vicinity.

Persons incorpo-
rated.

Estate.

SEC. 2. *Be it further enacted,* That said corpo-

ration may hold and manage any estate necessary for the purposes aforesaid, not exceeding in value forty thousand dollars.

[Approved by the Governor, February 24, 1834.]

CHAP. XXXI.

An Act to incorporate the Ames Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathan P. Ames, James T. Ames, Edmund Dwight, and James K. Mills, their associates, successors and assigns, are hereby made a corporation, by the name of the Ames Manufacturing Company, for the purpose of manufacturing hardware, cutlery, and other articles in that line, in the town of Springfield, in the county of Hampden, and for those purposes shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act entitled, "an act defining the general powers and duties of manufacturing corporations," passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may be seized and possessed of such real estate, not exceeding the value of forty thousand dollars, and such personal estate, not exceeding the

Real and personal estate.

value of sixty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

[Approved by the Governor, February 24, 1834.]

CHAP. XXXII.

An Act to incorporate the Dresser Manufacturing Company.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Harvey Dresser, Samuel Stafford, Jerry Merritt, Benjamin W. Kimball, their associates, successors and assigns, are hereby made a corporation, by the name of the Dresser Manufacturing Company, for the purpose of manufacturing cotton, in the town of Southbridge, in the county of Worcester, and for that purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements contained in an act entitled "an act defining the general powers and duties of manufacturing corporations," passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty.

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding in value seventy-five thousand dollars, and such personal estate, not exceeding in value one hundred and fifty thousand

dollars, as may be necessary and convenient for the purpose aforesaid.

[Approved by the Governor, February 24, 1834.]

CHAP. XXXIII.

An Act to establish a Police Court in the town of New Bedford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there is hereby established, within and for the town of New Bedford, in the county of Bristol, a police court, to consist of one learned, able, and discreet person, to be appointed by the Governor and Council, pursuant to the constitution, to take cognizance of all crimes, offences and misdemeanors committed in the town of New Bedford, whereof justices of the peace may now, or hereafter, legally take cognizance; the said justice to hold his office for the same time and by the like tenure, as justices of the peace; and the court hereby established shall hear and determine all suits, complaints and prosecutions cognizable by it, in like manner as is provided by law for the exercise of the powers and authority which now are, or may hereafter be vested in justices of the peace, and do all acts necessary to, and consistent with such powers and authority. And said court shall also have original jurisdiction of all civil suits and actions of which justices of the peace

Police court established within and for the town of New Bedford.

in said county may, or shall have cognizance, in concurrence with said justices, and original and exclusive jurisdiction of such suits and actions, wherein the plaintiff and defendant reside in said town of New Bedford, and service of the writ is had on the defendant in the county of Bristol, and no justice of the peace shall have cognizance thereof within said town. An appeal shall be allowed from all orders, decrees and judgments in said court, in like manner, and to the same extent that appeals are now allowed by law from orders, decrees and judgments of justices of the peace. And the justice of said court shall not be attorney or of counsel to any party in any matter or thing whatsoever, which may be pending in said court.

Writs &c. issued by said court, or justice of peace, shall be made returnable before said court.

SEC. 2. *Be it further enacted,* That all writs and warrants, issued by said court, or by any justice of the peace, within said town of New Bedford, in all matters or cases whereof said court has by this act, exclusive jurisdiction, shall be made returnable, and shall be returned before said court; and if any writ or warrant shall be issued by any justice of the peace, returnable before said court, the lawful fees payable therefor, shall not be paid or allowed to said justices, unless it shall appear, on examination or hearing before said court, that there was just and reasonable cause for his issuing said writ or warrant; in which case, such fees, costs and charges, shall be allowed and taxed in like manner as if such writ or warrant had been issued by said justice of the peace, according to the laws now in force.

Justice authorized to commit persons to work-house.

SEC. 3. *Be it further enacted,* That said justice be, and he is hereby authorized, when he shall deem it advisable, to commit all persons being inhabitants

of said town of New Bedford, and convicted by said court of offences described in the second section of the statute of one thousand seven hundred and eighty-seven, chapter fifty-four, to the work-house in said New Bedford, instead of the house of correction, as is now required, and for the same time that they may be committed to the house of correction, to be kept and governed in said work-house according to the rules and regulations which are, or may be legally established for the government of said house, and at the expense of said town of New Bedford. And if the provisions of this act shall be extended to the towns of Dartmouth and Fairhaven, in said county, or either of them, in the manner hereinafter provided, the said court shall have like authority, in respect of persons convicted as aforesaid, who are inhabitants of either of said towns of Dartmouth and Fairhaven, for their commitment to their several work-houses.

Relating to the towns of Dartmouth and Fairhaven,—see sec. 13.

SEC. 4. *Be it further enacted,* That it shall be lawful for the justice of said court, at his discretion, to discharge any person from imprisonment who shall have been confined under sentence of any Court for three months or more, for non-payment of fine and costs only, when it shall be made to appear to him that such person is unable to pay said fine and costs.

Justice may discharge any person from imprisonment, &c.

SEC. 5. *Be it further enacted,* That, in all cases, (except when the fine, forfeiture or penalty exceeds twenty dollars,) arising in the town of New Bedford, under the statute of one thousand eight hundred and thirty-two, chapter one hundred and sixty-six, and any acts which may hereafter be passed, regulating or restraining licensed houses and the sale of spirituous or fermented liquors, said court

shall be held to be a court of competent jurisdiction, and the prosecutions in said court may be by complaint on information, subject to the right of appeal to the next court of common pleas, in the county of Bristol: *provided*, that in all cases when a person shall be convicted of a breach of said act, and is unable to pay the penalty, fine, or forfeiture, or fail to do it, he may be imprisoned in the jail or house of correction of the county of Bristol, situate in said New Bedford, for a term of time not more than ninety days, at the discretion of said justice.

Justice's duties,
&c.

SEC. 6. *Be it further enacted*, That the justice of said police court, in addition to the services herein before assigned to him, shall exercise and perform the duties of clerk of said court, and shall tax all bills of cost, and receive all fines and penalties, and shall receive and keep a true and faithful account of all fees taxable by law in said court, and shall exhibit in the month of December of each year, to the board of accounts hereinafter established, a particular account of all sums of money by him received, as such clerk; and shall tax and exhibit all bills of cost for witnesses in criminal examinations and prosecutions, in the same manner that justices of the peace are now, by law, required to do; and said clerk shall pay over to the town treasurers of the several towns, named in this act, immediately after his account shall have been examined and certified by said board of accounts, the balances, if any, which may appear to be due from him to them severally, after deducting the sums which he is hereinafter authorized to retain for his own use; and the accounts so exhibited, from time to time, shall be recorded by the town treasurer or town treasurers as the case may be, in a book or books to be by him

or them kept for that purpose, when the same, with the certificate of allowance thereof, by said board shall be exhibited to him or them by the justice of said police court; and the said accounts shall be filed and safely kept by said treasurer or treasurers. The justice of said police court shall give bond with a surety or sureties to the acceptance of the said treasurer or treasurers, as the case may be, for the faithful performance of the duties of his office as clerk, in such penalty as the selectmen of New Bedford shall determine.

SEC. 7. *Be it further enacted,* That a court shall be held by said justice in some suitable and convenient place, to be provided at the expense of said town of New Bedford, on two several days in each week, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors; and on the first and third Mondays of each month, and as much oftener as may be necessary, for the trial of civil suits and actions; and the justice of said police court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business of said court, both civil and criminal.

Court, when to be holden.

SEC. 8. *Be it further enacted,* That the justice of said police court shall be entitled to retain for his own use, out of all monies received by him in each year for fees, fines and penalties aforesaid, the sum of one thousand dollars, in full compensation for all services assigned to him by the provisions of this act: *provided,* that if the provisions of this act shall be extended to the towns of Dartmouth and Fairhaven, or either of them, as is hereinafter provided, said justice shall be allowed and entitled to retain as above to his own use, the sum of twelve

Justices' fees.

hundred dollars, and if there shall be any surplus remaining, he shall pay over the same to the several treasurers of said towns, in proportion to the amounts of fees, fines and penalties, received from the inhabitants of said towns respectively.

Board of accounts.

SEC. 9. *Be it further enacted,* That the clerk of the courts in Bristol county, and the district attorney for the southern district, shall be, and they hereby are, constituted a board of accounts, and the said board shall assemble in the month of December, in each year, and as much oftener as may be necessary, and when so assembled shall have power, and it shall be their duty to adjust, liquidate, examine and allow all bills of costs, accounts and charges, which may be made, or which may arise in the course of proceedings in said police court, and the said board shall certify, that said accounts, charges, and expenses, have been examined and allowed by them, and a certificate of such examination and allowance shall be endorsed on the accounts exhibited to said board, and shall be addressed to the public officer by whom such charges, fees and expenses may be payable by law. The members of said board of accounts shall be entitled to receive out of the treasury of the town of New Bedford, the sum of three dollars, for each and every day which shall be devoted to the performance of the duties hereby assigned them.

All suits &c. now pending before any Justice of the Peace, to be heard and determined as though this act had not been passed.

SEC. 10. *Be it further enacted,* That all suits, actions, and prosecutions, which shall have been instituted, and which shall be pending before any justice of the peace in the county of Bristol at the time when this act takes effect, shall be heard and determined, as though the same had not been passed.

SEC. 11. *Be it further enacted,* That the justice of said police court shall make a return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do.

Justice to make return of all legal processes, &c.

SEC. 12. *Be it further enacted,* That there shall be appointed by the governor and council, pursuant to the constitution, two special justices of said court, who shall hold their offices for the same time, and by the like tenure as the justice of said court; and whenever it shall happen, that the justice of said court shall be a party, or interested in any suit or prosecution, cognizable by said court, or be akin to either party therein, or shall, from any other cause, be unable to attend said court, or hear and determine any matter or thing pending therein, the cause shall be assigned on the record, and the court may, and shall be held, and its jurisdiction exercised by one or both of said special justices. And said special justices shall be paid for their services herein required of them, by said justice, out of the sum he is authorized hereinbefore to retain for his own use, such compensation as justices of the peace would be entitled to for the same services.

Governor and Council to appoint two special justices.

SEC. 13. *Be it further enacted,* That whenever the inhabitants of the towns of Dartmouth and Fairhaven, or either of them, shall, at legal meetings holden in their respective towns for that purpose, elect to be united with the town of New Bedford for the purpose of forming with said town one judicial district for the purposes of this act, and shall signify such election to the governor, then the said town of New Bedford and the said towns of Dartmouth and Fairhaven, or either of them which shall so elect, shall constitute one judicial district, to be

Towns of New Bedford, Dartmouth and Fairhaven to constitute one judicial district, whenever the inhabitants of the two latter towns shall elect to be so united for that purpose.

called the district of New Bedford, and the said police court and the justices thereof shall take cognizance of all crimes, offences and misdemeanors committed within said district, and shall have original and exclusive jurisdiction of all suits and actions, in which the plaintiff and defendant both reside within said district, in the same manner in all respects as is herein before provided in regard to the town of New Bedford.

Act when to take
effect.

SEC 14. *Be it further enacted,* That this act shall go into operation, from and after the thirty-first day of March, in the year of our Lord eighteen hundred and thirty-four, and thenceforth all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed : *provided*, that nothing in this act shall be so construed as to prevent the governor, by and with the advice and consent of the council, from appointing and commissioning said justice, and special justices, at any time previous to said thirty-first day of March.

[Approved by the Governor, February 25, 1834.]

CHAP. XXXIV.

An Act incorporating the Manufacturers Mutual Fire Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Sylvanus Holbrook, George A. Trumbull, David T. Brigham, George T. Rice, their associates, successors and assigns shall be a corporation by the name of the Manufacturers Mutual Fire Insurance Company, and enjoy all the privileges and powers incident to such corporations, for thirty years, from and after the passing of this act.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the property and concerns of said corporation shall be managed by a president and twelve directors, who shall be members of said corporation, and be chosen by ballot at the annual meeting thereof, each member being entitled to as many votes as he has policies, with the right of voting by proxy, and shall hold their offices during one year and till others are chosen in their stead.

Management of corporation.

SEC. 3. *Be it further enacted,* That when the sum subscribed to be insured by the associates shall amount to two millions of dollars, the said corporation may, and they are hereby authorized to insure for a term not exceeding one year any manufacturing establishment, within this Commonwealth, with all buildings, fixtures, machinery, tools, implements, stock and goods to the same

When subscription amounts to two millions of dollars.

belonging, or any way pertaining, against damage arising to the same by fire. And in case any member shall sustain damage by fire, over and above the then existing funds of said corporation, the directors may assess such further sum or sums upon the deposit notes of the members, as may be necessary to pay such loss : *provided, however*, that no individual member during the term of one year shall be held to pay by way of assessments more than ten times the amount of premium money which he shall be required to pay for his insurance that year.

Buildings, &c.
insured to be
held as security
for deposit
notes.

Policy creates a
lien on buildings
insured.

SEC. 4. *Be it further enacted*, That whenever the said corporation shall make insurance upon any building or other property which they are by this act authorized to insure, the said building with the land under the same, with all fixtures, machinery, tools and implements so insured shall be held by said corporation as security for any deposit note which they may hold of the member for whom they are insured. And the policy of insurance to any member of said corporation upon his building, fixtures, machinery, tools or implements, shall of itself create a lien upon the same for the sum of any such deposit note, and the costs which may accrue in collecting the same, without any other act in law whatsoever, and said lien shall continue during the existence of said policy, or till the amount of said note shall be paid, or otherwise secured to the satisfaction of said corporation, notwithstanding any transfer or alienation thereof.

Monies received
for premiums,
how to be in-
vested.

SEC. 5. *Be it further enacted*, That all monies which shall be received by said corporation, for premiums, shall, under the direction of the presi-

dent and directors, be invested in stock, notes, bonds, or other productive securities, and the same with the income thereof be appropriated to pay the expenses of said corporation, loans which occur, or in return dividends to the members of said corporation.

SEC. 6. *Be it further enacted,* That when any person shall sustain any loss by fire, of buildings or other property insured by said corporation, he shall within sixty days after such loss give notice thereof in writing at the office of said corporation.

Persons sustaining loss by fire, of property insured by said corporation, to give notice within sixty days.

And it shall be the duty of said president and such directors as may be fixed upon for that purpose, to proceed immediately to the place where said fire happened, and determine in writing under his or their hands the amount, if any, of said corporation's liability for such loss, and if the sufferer shall not acquiesce in their determination, said sufferer may, within ninety days after notice of said determination, and not after, bring an action at law against said corporation for such loss, before any court of competent jurisdiction to try the same; and in case the sufferer shall not in such action recover more than the damage determined on in the manner aforesaid, the plaintiff shall have judgment in said action, but the corporation shall recover their costs, and execution shall issue for the balance in favor of the party entitled to it: *provided, however,* that said president and directors may in all cases, if the sufferer does not acquiesce in their determination, submit his claim to referees to be mutually agreed upon, whose award shall be returnable at the Court of Common Pleas next to be holden in the county of Worcester, and be final, and the said court shall enter up judgment and issue execution thereon.

President and directors to proceed immediately to the place where said fire happened, &c.

Duties of president and directors, when corporation's liability is ascertained.

SEC. 7. *Be it further enacted*, That as soon as the corporation's liability shall be ascertained in either of the ways mentioned in this act, and the funds on hand belonging to the said corporation are sufficient to pay the same, the president and directors shall cause the same to be paid to the sufferer, at the office of said corporation, within thirty days after he shall have made demand for the same at said office. And if it shall so happen that the funds on hand belonging to said corporation are insufficient to pay and satisfy said liability, the said president and directors shall immediately cause an assessment to be made upon the deposit notes of each member and cause the same to be forthwith collected and paid over to the sufferer in the time and manner above mentioned.

Liabilities of members in case of neglect or refusal to pay assessments.

SEC. 8. *Be it further enacted*, That if any member of said corporation or his legal representatives shall neglect or refuse to pay the amount which may be assessed upon his note in the manner above mentioned, for the space of thirty days, after demand shall have been made for the payment of the same, in the manner said corporation shall appoint, he or they shall be liable to the suit of the corporation therefor in an action of the case in any court of competent jurisdiction; and the said corporation having obtained judgment and execution for the amount, may, at their election, cause said execution to be levied upon the estate or property whereon by this act they may have a lien for the same, and the officer having said execution shall proceed to satisfy the same by the sale and conveyance of said estate or property, in the same manner, as is provided by law for the sale of the right of redeeming real estate, and the

Execution, how levied.

owner thereof shall have the right of redeeming the same within one year, by paying to the purchaser thereof the amount of said execution and costs with interest on the same at the rate of twelve per cent.

SEC. 9. *Be it further enacted*, That if the said president and directors shall neglect or refuse to pay the amount which may be due to any sufferer for the space of thirty days after the same shall have been determined as aforesaid, out of the funds then on hand, or from collections of assessments, as is herein provided, if the same be sufficient, then and in such case such sufferer shall have a right to levy his execution, which he may have obtained on the judgment recovered against said corporation, upon any of the funds thereof, and in case said funds be insufficient to satisfy said execution and costs, then said sufferer may levy his execution upon any estate or property of the president or any director of said corporation, in the same manner as an execution recovered against them, to the amount which shall be sufficient to satisfy said execution and costs. And the president, or any director whose estate or property shall be so taken, may recover compensation therefor by an action of the case against said corporation.

When president and directors shall refuse to pay the amount due to any sufferer, &c.

SEC. 10. *Be it further enacted*, That the office and records of said corporation shall be kept at such place in Worcester, in said county of Worcester, as the president and directors shall from time to time provide, and the annual meetings of said corporation shall be held at said Worcester, on the first Wednesday of October.

Office and records to be kept at such place as president and directors shall provide.

Annual meetings.

SEC. 11. *Be it further enacted*, That David T. Brigham is hereby authorized to call the first

First meeting.

meeting of said corporation, at such time and place in said Worcester, as he may think proper, giving notice thereof in the several newspapers printed in said Worcester, and in two daily newspapers printed in Boston, at least fourteen days previous to said meeting.

[Approved by the Governor, February 25, 1834.]

CHAP. XXXV.

An Act in addition to "an Act to incorporate the First Universalist Society in Duxbury."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all sums of money hereafter voted to be raised by the First Universalist Society in Duxbury, on the pews in their meeting-house, shall be assessed and levied according to an appraisal hereafter to be made by a committee appointed by said society, any thing in the act to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, February 28, 1834.]

CHAP. XXXVI.

An Act to incorporate the Proprietors of the Westerly Meeting-house in Scituate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ichabod R. Jacobs, Michael Jacobs and Howard Bouker, their associates and successors, are hereby made a corporation by the name of the Proprietors of the Westerly Meeting-house in Scituate, with all the powers and privileges and subject to all the duties and liabilities by law incident to religious societies, legally established in this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation shall have power to hold and manage any estate, the annual income of which, exclusive of their meeting-house, shall not exceed two thousand dollars; to be devoted exclusively to religious purposes. Estate.

[Approved by the Governor, February 28, 1834.]

CHAP. XXXVII.

An Act to change the name of the "Middlesex Merrimack River Bridge" to that of "Patucket Bridge."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That "an act for incorporating certain persons for the purpose of building a bridge over Merrimack River at Patucket Falls, between the towns of Chelmsford and Dracut, in the county of Middlesex, and for supporting the same," passed on the first day of February, in the year of our Lord one thousand seven hundred and ninety-two, be, and the same is hereby so far altered and amended that the said corporation may take and hereafter be known in law by the name of the proprietors of "Patucket Bridge."

Persons incorpo-
rated.

[Approved by the Governor, February 28, 1834.]

CHAP. XXXVIII.

An Act to incorporate the Nantucket Atheneum.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Joy, Charles G. Coffin, Paul Swift, Gorham Coffin, and Barker Burnell, their associates, successors and assigns, are hereby made a corporation, by the name of the Nantucket Atheneum, with all the powers and subject to all the requirements contained in the statute of one thousand eight hundred and thirty-three, chapter eighty-third; with power also to hold real and personal estate, not exceeding in value the sum of thirty thousand dollars, to be appropriated exclusively to scientific and literary purposes.

Persons incorporated.

[Approved by the Governor, February 28, 1834.]

CHAP. XXXIX.

An Act in addition to "an Act ceding to the United States the jurisdiction of the Island of Nix's Mate."

Further time of two years allowed for complying with provisions of act of 1832.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a further time of two years, from the passing of this act, be allowed for complying with the provisions of an act passed on the twentieth day of February, in the year of our Lord one thousand eight hundred and thirty-two, ceding the jurisdiction of the Island of Nix's Mate, in Boston harbor, to the United States.

[Approved by the Governor, February 28, 1834.]

CHAP. XL.

An Act respecting the Sale of the Ministerial Lands in the First Parish in Wrentham.

Funds arising from the sale of lands, how to be appropriated, &c.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the first parish in Wrentham are hereby authorized to appropriate the funds arising from the sales

of the lands belonging to the first parish and church in Wrentham, towards the erection of a new meeting-house and vestry in said parish, for the use of the ministry, and that the several deeds, executed in due form of law, and delivered to the purchasers of said lands, by agents duly appointed by the parish and church for that purpose, shall be deemed valid and effectual in law to convey the interest of the parish and church in the premises, as described in the deeds aforesaid.

[Approved by the Governor, February 28, 1834.]

CHAP. XLI.

An Act to incorporate the Worcester County Manual Labor High School.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abiel Fisher, Joseph White, Otis Converse, Frederic Augustus Willard, Alonzo King, Joseph G. Binney, Otis Corbett, Isaac Davis, Edward Phillips, Samuel D. Spurr, Pearly Goddard, Daniel Goddard, Ichabod Washburn, and their successors, be, and they hereby are incorporated by the name of the Trustees of the Worcester County Manual Labor High School, for the purpose of establishing and maintaining such a school in the town of Worcester, for the education of youth in the languages, arts, and sciences, for promoting habits of industry and

Persons incorporated.

economy, and inculcating the principles of piety and virtue.

Number of Trustees.

Proviso.

SEC. 2. *Be it further enacted*, That the number of said trustees shall never be greater than fifteen, nor less than ten, a majority of whom shall constitute a quorum for doing business: *provided, however*, that a less number may adjourn a meeting of the board, and the said trustees, and their successors, are hereby made the visitors and governors of said school, with power to elect the instructors thereof, to establish regulations for the government of the same, and to hold by gift, grant, devise or otherwise, any estate, real or personal: *provided*, that the same shall be faithfully applied for the purposes specified in this act, and shall not exceed in value the sum of one hundred thousand dollars.

Trustees may remove a member of the board, and fill vacancies.

SEC. 3. *Be it further enacted*, That the said trustees, by a vote of two thirds of the members present, at any regular meeting thereof, may remove a member of the board, and by a major vote may fill all vacancies that may happen by reason of death, resignation, or otherwise.

[Approved by the Governor, February 28, 1834.]

CHAP. XLII.

An Act to amend an Act incorporating the City Mutual Fire Insurance Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the eleventh section of the act to which this is in addition is hereby repealed.

11th section of former act repealed.

SEC. 2. *Be it further enacted,* That at the expiration of the term of each policy, the said company shall pay to the assured, each his proportion of premium and deposite money ; and further, shall pay to the assured, each according to his proportion of premium and deposite money, all the net profits accruing to said company from the investment of the available fund, and from the investment of the capital stock, after deducting for the use of said stockholders six per cent. interest, payable quarter-yearly, on the amount of capital actually paid in by them, and invested in pursuance of the provisions of the act to which this is in addition.

Company shall pay to the assured each his proportion of premium and deposite money, &c.

[Approved by the Governor, February 28, 1834.]

CHAP. XLIII.

An Act to incorporate the Boston and Gloucester Granite Company.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jeremiah Wetherbee, William Crehore, and their associates, successors and assigns, are hereby made a corporation, by the name of the Boston and Gloucester Granite Company, for the purpose of procuring, hammering and cutting granite stone in the city of Boston and town of Gloucester, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions specified in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Capital stock.

Real estate.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of thirty thousand dollars, and that the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of twenty thousand dollars, exclusive of the buildings and improvements that may be made thereon by the said corporation.

[Approved by the Governor, February 28, 1834.]

CHAP. XLIV.

An Act to incorporate the Taunton Market House Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That A. Bassett, James Sproat, Franklin Dunbar, their associates, successors and assigns, are hereby created a corporation, by the name of the Taunton Market House Company, for the purpose of erecting, managing and improving a market house in the town of Taunton, in the county of Bristol, with power to hold and manage real estate not exceeding in value the sum of twelve thousand dollars, and personal estate not exceeding in value the sum of two thousand dollars.*

Persons incorporated.

[Approved by the Governor, February 28, 1834.]

CHAP. XLV.

An Act authorizing the Proprietor of Lincoln's Wharf to extend the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietor of the wharf in the city of Boston, now called and*

Proprietor may extend wharf.

known by the name of Lincoln's Wharf, is hereby authorized to extend and maintain his said wharf into the harbor channel, as far as to a line drawn straight from the present northeasterly corner of Union Wharf, at the end thereof, to a point at the northerly end of said line, intersected by the southeasterly side of the marine railway wharf; and that he shall have and enjoy the right and privilege of using and occupying the flats adjacent to said wharf, when so extended, at the end, and at the sides thereof, in the same manner in which he has hitherto occupied and enjoyed the flats, adjoining said wharf, as it now is: *provided*, that nothing in this act contained, shall in anywise impair, or interfere with the legal rights of any other person or persons whomsoever.

[Approved by the Governor, February 28, 1834.]

CHAP. XLVI.

An Act to repeal "an Act to authorize the town of Brewster to sell the Ministry Lands, and appropriate the proceeds thereof towards the Ministerial Funds," and to appoint trustees for the management thereof.

Act of 1811 re-
pealed.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That "an act to authorize the town of Brewster to sell the ministry lands, and to appropriate the proceeds thereof towards the

ministerial funds, and to appoint trustees for the management thereof," passed on the twenty-seventh day of February, A. D. one thousand eight hundred and eleven, is hereby repealed.

SEC. 2. *Be it further enacted*, That all monies and all securities for monies vested, which have accrued from the sale of the said ministerial lands, under the said act which is hereby repealed, which are in the hands of said trustees or their treasurer, together with all the books and papers relating to the said funds, in the possession of either of the said trustees, their clerk, or their treasurer, shall be paid over and transferred by the said trustees, their clerk, or treasurer, to the treasurer of the north parish of Harwich, which parish lies mostly in the town of Brewster, within one month from the passing of this act.

All monies, &c. to be paid over and transferred to the treasurer of the north parish of Harwich.

SEC. 3. *Be it further enacted*, That the said north parish of Harwich are hereby authorized to appropriate and expend the monies and property so transferred to the treasury of the said parish, for the purpose of repairing the meeting house of the said parish, or for the building a new meeting house, as they may deem expedient, and determine in legal parish meeting.

North parish of Harwich authorized to appropriate and expend the monies, &c.

SEC. 4. *Be it further enacted*, That the said parish, at any legal meeting of the same, may appoint an agent or agents, to sell the remaining ministerial lands of the said parish, at public auction or private sale, as they shall think most advantageous for the interests of the said parish, and to pay the proceeds of such sale into the treasury of said parish, to be appropriated by the said parish for the same purposes as are specified in the third section of this act. And the said agent or agents,

Parish may appoint agents to sell ministerial lands.

so chosen, are hereby authorized and empowered to make, execute and deliver, good and sufficient deed or deeds to convey the said lands to the purchaser or purchasers thereof, according to law.

[Approved by the Governor, February 28, 1834.]

CHAP. XLVII.

An Act in addition to "an Act to establish the Atlas Bank."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of "an act to establish the Atlas Bank," passed on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and thirty-three, as regards the time within which the stockholders are required to pay in the capital stock thereof, is hereby repealed; and that the stockholders of said bank are hereby required to pay in the said capital stock within six months from the passing of this act.

Capital stock to be paid in within six months from the passing of this act.

[Approved by the Governor, February 28, 1834.]

CHAP. XLVIII.

An Act to authorize Simeon Crowell, and another,
to erect Piers in Bass River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Simeon Crowell, and Simeon Crowell 3d, their heirs and assigns, are hereby authorized to erect piers or wharves adjoining their premises, situated upon Bass river, in the town of Yarmouth, by driving piles in the said river, at the edge of the channel of the same, next adjoining their said premises, and extending to the said piles, from their said premises, such wharves or piers : *provided, however,* that the said piles shall in no case be driven or placed in the said river, at a greater distance from the shore than eight feet below low water mark.

Authorized to erect piers or wharves.

SEC. 2. *Be it further enacted,* That the said Crowells, their heirs or assigns, shall have liberty to haul vessels at the sides and ends of the said piers or wharves, and receive of the owners or masters of the same, reasonable wharfage therefor : *provided, however,* that not more than two vessels shall be allowed to lie abreast, at the side of any such wharf or pier, next to the channel, at any one time : *and provided, also,* that this grant shall in no wise interfere with the legal rights of any other person or persons whomsoever.

Authorized to haul vessels at the sides and ends of said piers or wharves.

[Approved by the Governor, February 23, 1834.]

CHAP. XLIX.

An Act to authorize the "Mercantile Insurance Company in Salem" to reduce its capital stock.

May reduce the capital stock.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Mercantile Insurance Company in Salem are hereby authorized to reduce the capital stock of the said corporation to one hundred thousand dollars, and such reduced capital stock shall be divided into one thousand five hundred shares, each share to consist of sixty-six dollars and sixty-six and two-thirds cents: *provided*, that nothing herein contained shall affect or diminish the number of shares which any stockholder now holds or is entitled to, in the capital stock of said company, but the same shall remain as though this act had not been passed.

Contracts heretofore made, not to be affected.

SEC. 2. *Be it further enacted,* That no contracts whatever, heretofore made by the said corporation, shall be in any manner affected or impaired by said reduction.

Act when to take effect.

SEC. 3. *Be it further enacted,* That this act shall not take effect, until by reassurance or compromise with the assured, said corporation shall have protected or relieved itself from so much of any outstanding risk, as exceeds the sum of ten per centum of its reduced capital.

[Approved by the Governor, February 28, 1834.]

CHAP. L.

An Act concerning the appointment of Engine Men.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the public fire engines in the several towns in this Commonwealth, shall be manned by the numbers and in the manner hereinafter directed. To each common fire engine there shall be appointed a number not exceeding thirty men; and to each hydraulion, or suction fire engine, a number not exceeding forty-five men. And whenever said suction engines shall be suffered to go out of repair, and remain so, and be used as common engines only, the said number of forty-five men shall be reduced to the number of thirty, herein prescribed for common engines: *provided, however,* that this act shall not affect the right now existing in any city or town, to have a greater number of engine men appointed than as hererein prescribed.

Number of enginemen to each engine, &c.

And the mode of appointment, duties, liabilities, privileges and exemptions of said additional engine men, shall be the same as those of engine men under existing laws.

Mode of appointment, &c.

SEC. 2. *Be it further enacted,* That all persons duly appointed engine men for any public fire engine, within the Commonwealth, and all persons duly appointed members of the fire department established in any city or town, and who shall have done duty as such for the space of one year prior to the first day of May, in each year, shall be entitled

Members entitled to receive a sum equal to the poll tax to the state, county and town.

to receive from the treasurers of their respective towns and cities, a sum equal to the poll tax to the state, county, and towns (exclusive of highway taxes) which may have been paid by such persons, or by their parents, masters, or guardians.

Chief Engineer to make out a list of all persons who have performed all the duties required by law.

And it shall be the duty of the chief engineer, or of the officer who holds, by law, the first office in any fire department, established as aforesaid; and of the foreman, or commanding officer of any public fire engine, in any town where no fire department is established by law, on or before the first day of May, in each year, to make out and certify to the assessors of each city or town a list of all persons in their department and companies respectively, who, through the year preceding, have performed all the duties therein required by law.

Assessors to examine said lists, &c.

And the assessors shall, within ten days thereafter, examine said lists, and certify to the treasurers of their respective cities or towns the amount to be paid to each person named therein; and the said treasurers shall, on request, pay the same to the persons so named, or, if minors, to their parents, masters or guardians. And upon refusal of any such city or town so to pay, the persons entitled may severally have an action for money had and received, against such city or town, to recover the same.

Penalty for making false certificate.

SEC. 3. *Be it further enacted*, That if any chief engineer, or other officer required to make a certificate to the assessors, as herein provided, shall wilfully refuse to make such certificate, or shall wilfully or fraudulently make a false certificate, he shall forfeit and pay a sum not less than twenty, nor more than fifty dollars, to be recovered in any court proper to try the same, to the use of the city or town in which the person in whose favor such certificate ought to have been or shall be made, was assessed

SEC. 4. *Be it further enacted*, That the statute of eighteen hundred and twenty-six, chapter one hundred and ten, entitled "an act to increase the number and provide for the appointment of engine men," is hereby repealed. Act of 1826 repealed.

* SEC. 5. *Be it further enacted*, That the second and third sections of this act shall not take effect in any town or city in this Commonwealth, unless the same shall be adopted and approved annually, at the annual town meeting in each town, for the choice of town officers, or by the mayor and aldermen of the city of Boston, or by the city council thereof, some time in the months of March or April. Second and third sections of this act when to take effect.

[Approved by the Governor, March 1, 1834.]

CHAP. LI.

An Act to terminate the corporate powers of the Grand Lodge of Massachusetts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That "an act to incorporate the master, wardens and members of the Grand Lodge of Massachusetts," passed on the sixteenth day of June, in the year of our Lord one thousand eight hundred and seventeen, is hereby repealed. Act of 1817 repealed.

[Approved by the Governor, March 4, 1834.]

CHAP. LII.

An Act to incorporate the Douglas Axe Manufacturing Company.

Persons incorpo-
rated.

Real and person-
al estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Warren Hunt and Alexander Scudder, their associates and successors, are hereby made a corporation by the name of the Douglas Axe Manufacturing Company, for the purpose of manufacturing edge tools in the town of Douglas, in the county of Worcester, with all the powers and privileges and subject to all the duties and liabilities provided in the fifty-third chapter of the statutes of the year eighteen hundred and twenty-nine; and, for the purpose aforesaid, may hold real estate not exceeding in value the sum of thirty thousand dollars, and personal estate not exceeding in value the sum of thirty thousand dollars.

[Approved by the Governor, March 4, 1834.]

CHAP. LIII.

An Act to incorporate "the Proprietors of Mount Holyoke Bridge."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Lyman, Daniel Stebbins, William H. Mosely, their associates, successors and assigns, are hereby made a corporation by the name of "the Proprietors of Mount Holyoke Bridge," with all the powers and privileges, and subject to all the requirements contained in the eighty-third chapter of the statutes of eighteen hundred and thirty-three. Persons incorporated.

SEC. 2. *Be it further enacted,* That said proprietors be, and they hereby are authorized and empowered to erect a bridge over Connecticut River, between Northampton and Hadley, at some convenient place not more than one hundred rods distant from Hockanum Ferry, so called, and said bridge shall be well built with suitable materials, at least twenty-six feet wide, and covered with planks with sufficient rails on each side for the safety of passengers travelling thereon; and the same shall be kept in good repair at all times. Proprietors authorized to erect bridge.

SEC. 3. *Be it further enacted,* That a toll is hereby granted and established according to the rates following, viz. for each foot passenger three cents; for each horse and rider seven cents; for each horse and chaise, chair, sulkey, carryall or wheel carriage for passengers, drawn by one horse, sixteen cents; for each coach, phaeton or other Tolls.

wheel carriage drawn by two horses, thirty-three cents; for each additional horse six cents; for each sleigh drawn by one horse, ten cents; if by two horses, twelve cents and five mills; and for each additional horse, three cents; for each cart, sled or other carriage of burthen, drawn by one beast, ten cents; if drawn by two beasts, sixteen cents, and if by more and not exceeding four beasts, twenty cents, and for each additional beast, four cents; for each horse, ass, or mule, without a rider, and for neat cattle, each four cents; for sheep and swine, one cent each; and one person and no more shall be allowed to each team to pass free of toll. And all persons, who shall have occasion to pass said bridge to perform military duty, shall pass free of toll; and the toll shall commence on the day of opening said bridge, and shall continue for the term of seventy years; and at the place of receiving said toll, there shall be erected and constantly exposed to view, a sign-board, with the rates of toll fairly and legibly printed thereon, in capital letters. And the said corporation, at the time of opening said bridge, shall cause a true and just account of the expenses thereof, and also at the end of every three years thereafter, a true and just account of all receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth; and after thirty years from the opening of said bridge, the General Court may regulate the rates of toll receivable thereat: *provided, however*, that if the said proprietors shall neglect, for the space of six years from the passing of this act, to build and finish the said bridge, then this act to be void and of no effect.

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SEC. 4. *Be it further enacted,* That said cor- Tolls commuted.
poration, may, if they see cause, commute the rates
of toll with any person or persons, by taking of
him or them a certain less sum, quarterly, or annu-
ally, instead of the toll aforesaid, or by taking of
all persons less rates of toll than specified as afore-
said, the proprietors giving public notice of their
intention so to do, by publishing the same three
weeks successively in two newspapers, one printed
in the county of Hampshire, and one in the county
of Hampden ; in which case the proprietors of the
Northampton and Springfield bridges shall have
power to alter their tolls, in like manner, and to
the same rates.

[Approved by the Governor, March 4, 1834.]

CHAP. LIV.

An Act to incorporate the Hoosac River Manufac- turing Company.

SEC. 1. **BE** *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same,* That David Anthony, Persons incorpo-
rated.
Isaac U. Hoxie, and Warren I. Hodge, their asso-
ciates, successors and assigns, be, and they hereby
are made a corporation by the name of the Hoosac
River Manufacturing Company, for the purpose of
manufacturing cotton goods in the town of Adams
and county of Berkshire, and for this purpose shall
have all the powers and privileges and be subject

to all the duties and requirements contained in an act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of fifty thousand dollars, and that the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding the sum of twenty thousand dollars.

[Approved by the Governor, March 4, 1834.]

CHAP. LV.

An Act to incorporate the Blumvale Iron Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Blum, Gouverneur Kemble, and William Kemble, their associates and successors, are hereby made a corporation by the name of the Blumvale Iron Company, for the purpose of making pig iron from the ore, in Stockbridge, in the county of Berkshire, and for that purpose shall have all the powers and privileges, and be subject to all the duties and liabilities provided in the fifty-third chapter of the statutes of the year eighteen hundred and twenty-nine.

SEC. 2. *Be it further enacted*, That said corporation may hold such real estate not exceeding in value the sum of fifty thousand dollars, and such personal estate not exceeding in value the sum of fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

Real and personal estate.

[Approved by the Governor, March 4, 1834.]

CHAP. LVI.

An Act concerning the Rate of Toll on the Eighth Massachusetts Turnpike.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Eighth Massachusetts Turnpike Corporation are hereby empowered to demand and receive six and one quarter cents, and no more, for wagons drawn by one horse over their road and through their gates.

Rate of Toll.

[Approved by the Governor, March 6, 1834.]

CHAP. LVII.

An Act to incorporate the Berkshire Manual Labor High School.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Theodore Sedgwick, Thaddeus Pomeroy, Horatio Byington, T. S. Pomeroy, Cyrus Williams, and Edward Burnall, their associates and successors, are hereby made a corporation, by the name of the Berkshire Manual Labor High School, to be established in the town of Stockbridge, with all the powers and requirements contained in the statute of one thousand eight hundred and thirty-three, chapter eighty-third; with power also to hold real and personal estate to an amount not exceeding fifty thousand dollars, to be appropriated exclusively to the purposes of education.

Persons incorporated.

Real and personal estate.

[Approved by the Governor, March 6, 1834.]

CHAP. LVIII.

An Act to incorporate the Davis Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edward H. Robbins and Nathaniel May, their associates, successors, and assigns be, and they hereby are made a corporation, by the name of the Davis Manufacturing Company, for the purpose of manufacturing cotton goods in the New-England Village so called, in the town of Grafton and county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, and that the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of fifty thousand dollars, exclusive of buildings and improvements made or to be made thereon.

Capital stock.

[Approved by the Governor, March 6, 1834.]

CHAP. LIX.

An Act in addition to an Act establishing a Fire Department in the Town of Lowell.

Selectmen may
establish fire
companies.

Members how
appointed, &c.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Fire Department of the town of Lowell shall hereafter consist of one or more fire companies, as the selectmen of said town shall judge expedient, in addition to the officers and members of said fire department, authorized to be appointed by the act to which this is in addition ; and the members of said fire companies shall be appointed in the same manner and for the same term of time, as the other members of said fire department are now authorized by law to be appointed ; and the number of members to be attached to each fire company shall be regulated by the selectmen, who shall prescribe the duties to be by them performed.

[Approved by the Governor, March 6, 1834.]

CHAP. LX.

An Act establishing a Fire Department in the town of Hingham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Fire Department of the town of Hingham shall hereafter consist of a chief engineer, and as many engineers and fire-wardens, not exceeding twelve in number, as the selectmen of said town shall annually, on the day of any legal meeting in March or April, appoint, who shall hold their office for the term of one year from the day of their appointment, and until others are appointed; also of as many enginemen, hosemen, hook and ladder men, as said selectmen, at said meeting, or as soon after as may be, shall appoint: *provided*, that the number of firemen so appointed, shall not exceed fifty men to each hydraulion, thirty-five men to each common engine, and five men to each hose carriage; that the number of hook and ladder men shall not exceed fifty, and the number of hosemen shall not exceed fifty.

Appointment of
engineers, en-
ginemen, &c.

SEC. 2. *Be it further enacted,* That the selectmen of said Hingham shall have power to fill any vacancy that may occur at any time in said fire department, give certificates of all their appointments, and fix and ordain, from time to time, the powers and duties of the chief engineer and engineers, and fire-wardens respectively, in relation to

Selectmen em-
powered to fill
vacancies, &c.

fire engines and all other fire apparatus belonging to, or used in said town, and also to fix and ordain, from time to time, such rules and regulations as may be deemed expedient for the conduct of said fire department, and for the citizens present at fires, and to annex penalties for the breach of any rules and regulations they may so fix and ordain, not exceeding twenty dollars.

Powers and authorities of chief engineer, engineers, and fire-wardens.

SEC. 3. *Be it further enacted*, That the chief engineer, engineers, and fire-wardens, so appointed, shall have the same powers and authorities relative to pulling down and demolishing any house or other building, to prevent the spreading of fires, and also relative to all other matters or things affecting the prevention and extinguishment of fires, as fire-wardens now by law have. And said town of Hingham shall be liable to pay all such reasonable compensation for damage done by, or consequent upon the directions or acts of said chief engineer, engineers and fire-wardens, as other towns in this Commonwealth are liable to pay in like cases, for like acts and directions done or given by their fire-wardens; and all fines and forfeitures arising within said town of Hingham, under the laws of this Commonwealth, relative to the extinguishment of, or proceedings at fires, shall be distributed in such manner, and applied to such use, as said town of Hingham shall ordain, any thing in said laws to the contrary notwithstanding.

Fines.

Members exempted from military duty.

SEC. 4. *Be it further enacted*, That each member of said fire department shall be exempted from military duty and service in the militia of this Commonwealth, so long as he shall continue a member of said fire department; and every person so exempted, shall be holden to produce, within

thirty days after he shall have been appointed a member of said department, and annually in the month of April thereafter, to the commanding officer of the militia company within whose bounds he may reside, a certificate from one of the selectmen of said town of Hingham, setting forth that he is a member of said fire department.

SEC. 5. *Be it further enacted*, That from and after the organization of a fire department in said town of Hingham, agreeably to the provisions of this act, and notice of the same being given in the Hingham Gazette, published in said Hingham, by the selectmen thereof, all the laws of this Commonwealth, relating to the election and appointment of fire-wards, so far as they affect such election and appointment in said town, hereby are repealed.

Former acts repealed so far as they affect the election of fire-wards.

SEC. 6. *Be it further enacted*, That in addition to the foregoing, said selectmen of said town may, if they judge expedient, appoint one or more fire companies; and the members of said fire companies shall be appointed in the same manner, and for the same term of time, as the other members of said fire department. And the number of members to be attached to each fire company, shall be regulated by the selectmen, who shall prescribe the duties to be by them performed.

Selectmen may appoint additional fire companies.

SEC. 7. *Be it further enacted*, That the provisions of this act shall take effect, as soon as the same shall have been accepted by a majority of the citizens of Hingham, qualified to vote in town affairs, at a meeting legally notified for that purpose, and shall continue in force until modified or repealed by the legislature of this Commonwealth.

Act, when to take effect.

[Approved by the Governor, March 6, 1834.]

CHAP. LXI.

An Act to incorporate the Pocasset Iron Company.

Persons incorpo-
rated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John A. McGaw, John Kendrick, and Rufus Kendrick, their associates, successors and assigns, are hereby made a corporation, by the name of the Pocasset Iron Company, for the purpose of working and manufacturing iron, at Sandwich, in the county of Barnstable, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements provided in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

Real and person-
al estate.

SEC. 2. *Be it further enacted*, That the said corporation may lawfully hold such real estate, not exceeding twenty thousand dollars, and such personal estate, not exceeding eighty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

[Approved by the Governor, March 6, 1834.]

CHAP. LXII.

An Act to incorporate the Boston and Bangor
Steam Boat Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Francis J. Oliver, Henry Rice, Thomas Wetmore, their associates, successors and assigns, be, and they hereby are made a body corporate, by the name of the Boston and Bangor Steam Boat Company, for the purpose of running one or more steamboats, for the convenience of the public travel and the transportation of merchandise, between Boston and Bangor, and the intervening places.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said company may lawfully purchase, hold and convey real estate, not exceeding the value of twenty-five thousand dollars, and personal estate, not exceeding the value of one hundred thousand dollars.

Real and personal estate.

SEC. 3. *Be it further enacted,* That the stock of said company shall be divided into shares of one hundred dollars each; and said shares shall be deemed personal estate, and shall be subject to attachment and sale, in like manner as the shares of debtors in other corporations.

Shares.

SEC. 4. *Be it further enacted,* That said corporation shall have power to assess on the several members thereof, from time to time, such sums of money as they may deem necessary to effect the

Assessments.

objects of said corporation : *provided*, that no share shall be assessed a greater sum than one hundred dollars. And said corporation may provide for the sale at public auction of any share or shares, whenever any assessment shall be due, and not paid, agreeably to the provisions contained in the fifth section of an act defining the general powers and duties of manufacturing corporations, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

[Approved by the Governor, March 6, 1834.]

CHAP. LXIII.

An Act to incorporate the Proprietors of the Middlesex Bridge.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Pierce, Daniel A. Perkins, and George Winslow, their associates and successors, are hereby constituted a corporation by the name of "the Proprietors of the Middlesex Bridge," with all the powers, and subject to all the duties and liabilities, contained in the eighty-third chapter of the statutes of the year one thousand eight hundred and thirty three.

Authorized to locate and build a bridge across the Mystic river.

SEC. 2. *Be it further enacted*, That said corporation are hereby authorized to locate, build and construct, or to cause to be built and constructed, a bridge across Mystic river, from the Malden shore,

near Hadley's Island, to the Charlestown shore, near the large willow tree, north of the Charlestown almshouse, with a good and sufficient draw, thirty-four feet in width, said draw to be located by commissioners, to be appointed by the governor, with advice of council, at the expense of said corporation ; and they shall erect a wharf or pier near said draw, on each side of said bridge, for the accommodation of vessels passing through said draw, and said bridge and wharves shall be built of good and sufficient materials ; the bridge to be not less than thirty-two feet in width from outside to outside, and the wharves not less than one hundred and twenty-five feet in length, and twenty feet in width.

SEC. 3. *Be it further enacted*, That said corporation shall keep said bridge and draw in good repair, and shall raise the draw, and afford all necessary accommodation to vessels having occasion to pass the same ; and shall keep said bridge lighted by lamps on each side of the same, not exceeding one hundred feet apart.

Bridge and draw to be kept in good repair, &c.

SEC. 4. *Be it further enacted*, That said corporation shall make compensation to any person, persons, or corporation, whose real estate shall be taken for the use of said bridge ; and if there shall be a difference of opinion as to the value of the same, either party may apply to the court of common pleas in the county where such real estate lies, for a committee to estimate the damage such person, persons, or corporation will sustain ; and, upon such application, the court, after ten days notice to the adverse party to appear, and show cause why such committee should not be appointed, shall, if no good reason be shown to the contrary, appoint three or five disinterested freeholders within the county, who,

Corporation to make compensation for real estate taken for the use of said bridge.

In case of a difference of opinion, court of Common Pleas to appoint a committee to estimate the value of said real estate.

being first sworn before some justice of the peace, and giving due notice to the parties to appear, if they see fit, for a hearing, shall proceed to the duties of their appointment, and estimate the value of the real estate taken as aforesaid, and shall make return of their doings, as soon as may be, to the said court ; and upon acceptance of said report, judgment shall be given thereon, with costs to either party, according to the discretion of the court : *provided*, that in all cases either party may claim a trial by jury, as in similar cases where lands are taken for public uses.

Rates of toll.

SEC. 5. *Be it further enacted*, That, for the purpose of reimbursing the said proprietors for the money expended, and to be expended, in building and supporting said bridge, a toll is hereby granted, for the benefit of said proprietors, according to the rates following : for each foot passenger, one cent ; for each person and horse, three cents ; for each cart or wagon, drawn by one horse, four cents ; for each cart or wagon, drawn by more than one beast, six cents ; for each horse and chaise, six cents ; for each coach, chariot, phaeton, or curricule, twelve cents ; for each man and wheelbarrow, two cents ; for each horse and neat cattle, exclusive of those in teams, or rode on, two cents ; for each sheep and swine, one cent ; and at the time when the toll-gatherer shall not attend to his duty, the gate or gates shall be left open. The said toll shall commence on the first opening of said bridge for passengers ; and the said proprietors shall, at the place or places where the toll shall be received, erect and keep constantly exposed to view, a sign or board, with the rates of toll as established for the time being, fairly and legibly written thereon, in large or capital letters.

SEC. 6. *Be it further enacted*, That the treasurer of the said corporation shall, on the second Wednesday of the January next succeeding the completion of said bridge, render to the governor and council an exact account of the cost of the bridge, and of the expenses and income of the same up to that time ; and thereafter he shall make to the governor and council, a report of the expenditures on said bridge, and income therefrom, on the second Wednesday of January annually ; and from the balance of the income, after the expenses are deducted, the proprietors shall be allowed to receive to their own benefit, the amount of six per cent. per annum, on the cost of the bridge ; and, if the balance of income shall, upon any return, be less or greater than the said amount, it shall be the duty of the governor and council to order such alteration of the rate of toll, as shall in their judgment bring the income to the amount of six per cent. on the cost as aforesaid, which the proprietors shall be allowed to appropriate to their own use, and no more : *provided, however*, that if at any time the balance of income shall exceed the aforesaid rate per cent. the said proprietors are hereby authorized to hold in fund any amount not exceeding one thousand dollars, giving to the governor and council sufficient bonds for its being held for the benefit of the bridge, to be appropriated, when occasion may require, for extraordinary repairs, to prevent the necessity of any sudden and material variations of the rate of toll ; and any income which may arise from said fund, shall be accounted for as the income of the said bridge.

Treasurer to report annually to the Governor and Council.

Governor and Council may order an alteration of the rate of toll.

SEC. 7. *Be it further enacted*, That whenever the legislature, or any person, persons or corporation, in a manner acceptable to the Legislature, shall

Bridge to become free, whenever the proprietors shall be reimbursed the original cost.

choose to make the said bridge free, by reimbursing the proprietors the original cost of the same, the proprietors shall surrender the bridge to become a free bridge, being themselves discharged from all further duties and liabilities in the care of said bridge imposed upon them by this act ; and deducting from the aforesaid cost whatever sum they may have in fund, as provided for in the sixth section of this act ; and whenever the legislature, or any person, persons or corporation, shall choose to give for the benefit of the bridge any part of the cost thereof, the proprietors shall receive such donation to the reduction of the same amount of their capital stock in the bridge : and all the books and papers of the said corporation shall be subject to the inspection of any person or persons for that purpose appointed by the legislature.

Bridge to be
built within three
years.

SEC. 8. *Be it further enacted*, That if the said proprietors shall neglect or refuse, for the space of three years after the passing of this act, to build the said bridge, then this act shall be void.

[Approved by the Governor, March 8, 1834.]

CHAP. LXIV.

An Act to incorporate the Nichawagg Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Chandler, Harding P. Woods, Aaron Brooks, and Daniel Ward, their associates, successors and assigns, be, and hereby are made a corporation by the name of the Nichawagg Manufacturing Company, for the purpose of manufacturing cotton and woolen goods and machinery, in the town of Petersham, in the county of Worcester, and they are hereby authorized to hold real and personal estate to the amount of two hundred thousand dollars, with all the powers and privileges, and subject to all the duties and requirements, contained in the fifty-third chapter of the statutes of eighteen hundred and twenty-nine.

Persons incorporated.

[Approved by the Governor, March 11, 1834.]

CHAP. LXV.

An Act to authorize the Mayor and Aldermen of Boston to extend Front Street, in said city.

Mayor and aldermen authorized to lay out street.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Mayor and Aldermen of the city of Boston are hereby authorized to lay out a new street, in continuation of Front Street, beginning at or near the southerly end of said Front Street, and thence running in a southwesterly direction over the tide waters to Northampton Street. And said street shall be laid out in such direction and through and over such docks and flats, as the public safety or the convenience of the inhabitants of said city shall in the opinion of said mayor and aldermen require.

Compensation to owners of estates.

SEC. 2. *Be it further enacted,* That the owner or owners of any building, wharf, or other erection which may be removed, and of any land or flats which may be taken for said street, shall be entitled to receive compensation for the damages occasioned thereby, which damages shall be determined and recovered in the manner now provided in "an act directing the method of laying out highways."

[Approved by the Governor, March 11, 1834.]

CHAP. LXVI.

An Act to incorporate the Boston Children's Friend Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ann Lee, Margaret D. Baldwin, Phebe H. Linsley, Susan D. Reynolds and Mary Webb, with their associates and successors, are hereby incorporated by the name of the Boston Children's Friend Society, for the purpose of providing for the support and education of indigent children of both sexes, not otherwise provided for, and who for want of paternal care are in a suffering and dangerous condition.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may receive and take by purchase, grant, devise, bequest or donation, any real or personal property, and hold the same for the purposes aforesaid, and may manage and dispose of the same according to their discretion: *provided,* that the whole amount of the real and personal property held and possessed by the said corporation shall never exceed in value, at any one time, the sum of fifty thousand dollars.

Real and personal estate.

SEC. 3. *Be it further enacted,* That Richard Fletcher, John Tappan, John B. Jones, Benjamin Smith, Daniel Noyes, John C. Proctor, Samuel H. Walley, jr., Moses Pond, George Denny, Benjamin Perkins, Ebenezer Hayward, and Benjamin Howard, and their successors, are hereby constituted a

Board of advisers.

board of advisers, to co-operate with and assist the officers and managers of said Boston Children's Friend Society in promoting the benevolent purposes aforesaid.

[Approved by the Governor, March 11, 1834.]

CHAP. LXVII.

An Act to incorporate the "Rockville Manufacturing and Printing Company."

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William True, John F. Street, and William M. True, their associates and successors, are hereby made a corporation by the name of the "Rockville Manufacturing and Printing Company," for the purpose of manufacturing woolens, and bleaching, dying, and printing cotton and other fabrics, in the town of Saugus, in the county of Essex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the fifty-third chapter of the statutes of the year one thousand eight hundred and twenty-nine, entitled "an act defining the general powers and duties of manufacturing corporations."

Real and per-
sonal estate.

SEC. 2. *Be it further enacted,* That said corporation may hold such "real estate" in the town of Saugus, not exceeding one hundred thousand dollars in value, and such "personal estate" not

exceeding one hundred and fifty thousand dollars in value, as may be necessary and convenient for carrying on the business aforesaid.

[Approved by the Governor, March 11, 1834.]

CHAP. LXVIII.

An Act to incorporate the First Baptist Society in Tyngsborough.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Blodget, Jr., Mial Davis, and Charles Hollis, their associates Persons incorporated. and successors, are hereby incorporated as a religious society, by the name of the First Baptist Society in Tyngsborough; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies, legally established in this Commonwealth.

SEC. 2. *Be it further enacted,* That said corporation may hold and manage any estate, Estate. not exceeding in value the sum of ten thousand dollars: *provided,* the same be appropriated exclusively to parochial purposes.

[Approved by the Governor, March 13, 1834.]

CHAP. LXIX.

An Act concerning Unlawful Oaths.

Penalty for taking or administering unlawful oaths.

Persons taking or administering unlawful oaths, to be competent witnesses, &c.

Proviso.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, if any person shall hereafter administer or assume to administer to another, any oath, affirmation, or obligation in the nature of an oath, not required nor authorized by law, or, if any person shall hereafter voluntarily suffer any such oath, affirmation, or obligation in the nature of an oath, to be administered to him or her, or shall voluntarily take any such oath, affirmation, or obligation in the nature of an oath, every person so offending shall forfeit a sum not less than five dollars nor more than two hundred dollars, to be recovered by indictment to the use of the Commonwealth. And, in the examination of a complaint before a grand jury, or a justice of the peace, concerning the offences aforesaid, and in the trial of an indictment therefor, against the persons alleged to have administered such oath, affirmation, or obligation, the person to whom the same was administered, shall be a competent witness, and compellable to testify; and in such examination and trial against the person alleged to have suffered such oath, affirmation, or obligation to be administered to him or her, the person who administered the same shall be a competent witness, and compellable to testify: *provided, always, that such persons are not otherwise incompetent to*

testify: *provided, also*, that persons so testifying shall never afterwards be prosecuted for a previous violation of this act: *provided, furthermore*, that nothing herein contained shall be construed to extend to any oath, affirmation or affidavit, administered or taken for the establishment of the claim, petition or application of individuals or corporations, if the same shall be administered without intentional secrecy, by a person duly authorized by law to administer oaths; or to any oath, affidavit, deposition, or other obligation, for the verification of commercial papers, or other papers relating to property; or to any oath, affidavit, deposition, or other obligation required by any public agent, officer or tribunal of any other state, or of the United States, or of any other country; or to abridge the powers of any magistrate in the discharge of his official duty.

SEC. 2. *Be it further enacted*, That, in all prosecutions for the violation of this act, it shall not be necessary, in the indictment, to set forth the form or tenor of the oath, affirmation, or declaration aforesaid, supposed to have been administered or taken; but the indictment shall be sufficient in law if it shall alledge that an oath, affirmation or declaration, has been administered or taken by the person indicted, contrary to the form of this statute, setting forth the substance thereof, and the time, place and occasion, when and where the same was administered or taken.

Form of indictment.

[Approved by the Governor, March 13, 1834.]

CHAP. LXX.

An Act to incorporate the First Baptist Society in Orleans.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Josiah Rogers, Asa Hopkins and Elisha Hopkins, their associates and successors, are hereby incorporated as a religious society by the name of the First Baptist Society in Orleans; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted,* That said society may hold and manage real estate to the amount of five thousand dollars, and personal estate to the amount of two thousand dollars: *provided,* that the income arising from the same shall be exclusively appropriated to parochial purposes.

[Approved by the Governor, March 13, 1834.]

CHAP. LXXI.

An Act to authorize the Sale of Ministerial Land
by the First Parish in Eastham.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Parish in Eastham is hereby authorized to sell a tract of land owned by said parish, and lying in the south-easterly part of said town, and the treasurer thereof, for the time being, is authorized to execute a deed or deeds to convey the same to the purchaser.

Authorized to
sell tract of land.

SEC. 2. *Be it further enacted,* That the proceeds of such sale or sales of said land, as aforesaid, shall be invested in such manner as said parish shall direct: *provided, however,* that the income only of said fund, and no part of the principal, shall hereafter be applied for the support of the ministry in said parish.

Proceeds of sale,
how invested.

[Approved by the Governor, March 13, 1834.]

CHAP. LXXII.

An Act to incorporate the First Universalist Society
in Orleans.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Sparrow Horton, Isaac Doane, and John Doane, their associates and successors, are hereby incorporated as a religious society, by the name of the First Universalist Society in Orleans, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That said society may hold and manage real estate of the value of five thousand dollars, and personal estate amounting to two thousand dollars; *provided,* that the income arising from the same shall be appropriated exclusively to parochial purposes.

[Approved by the Governor, March 13, 1834.]

CHAP. LXXIII.

An Act to incorporate the First Evangelical Congregational Society in Uxbridge.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Frederick Taft, George Willard, and William C. Capron, their associates and successors, are hereby incorporated as a religious society, by the name of the First Evangelical Congregational Society in Uxbridge, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may hold and manage any estate, the annual income of which shall not exceed two thousand dollars; *provided,* the same shall be appropriated exclusively to parochial purposes. Estate.

[Approved by the Governor, March 13, 1834.]

CHAP. LXXIV.

An Act to authorize Job Chase, and others, to construct and maintain a Pier or Island Wharf, near the south shore of the town of Dennis.

Authorized to
construct and
maintain a wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Job Chase, Elijah Chase, Isaiah Baker, and Richard Baker, and their associates, are hereby empowered to construct and maintain a pier, or island wharf, at such place as may be convenient, below low water mark, near the south shore of the town of Dennis, in the county of Barnstable, and near the east line of said town, and shall have the right to fasten and lay vessels at the sides and ends of said pier or wharf, and receive wharfage therefor, and shall have all the privileges necessary for the convenient and useful improvement and occupation thereof: *provided, however,* that said pier or wharf shall not be of greater extent than two hundred feet in length and one hundred feet in breadth: *provided, also,* that this grant shall in nowise interfere with the legal rights of any other person or persons whomsoever.

[Approved by the Governor, March 13, 1834.]

CHAP. LXXV.

An Act to incorporate the Hubbardston Copperas
Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Green, Benjamin F. Heywood, James Green, and D. Bennett, Persons incorporated. and J. Bennett, their associates, successors and assigns, are hereby made a corporation by the name of the Hubbardston Copperas Manufacturing Company, for the purpose of manufacturing copperas at Hubbardston, in the county of Worcester, with all the powers and privileges, and subject to all the duties and requirements provided in an act, defining the general powers and duties of manufacturing corporations, passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, and they are hereby authorized to hold real estate to the amount of thirty thousand dollars, and personal estate to the same Real and personal estate. amount.

[Approved by the Governor, March 13, 1834.]

CHAP. LXXVI.

An Act to change the name of the town of Western.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and*
Change of name. *by the authority of the same, That, from and after the passing of this act, the name of the town of Western, in the county of Worcester, shall cease, and that said town shall be called and known by the name of Warren, any law to the contrary notwithstanding.*

[Approved by the Governor, March 13, 1834.]

CHAP. LXXVII.

An Act to authorize the construction of a Bridge over Mill River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and*
County commissioners may construct bridge. *by the authority of the same, That the County Commissioners for the county of Essex, be, and they are hereby authorized and empowered to locate a road and construct a bridge over a certain stream of tide-water called Mill River, which stream is situate in said county and constitutes the dividing line in part between the towns of Newbury and*

Rowley, in said county ; in such form, and under such restrictions as may be consistent with the necessary and accustomed use of said stream ; said bridge to be constructed at, or over, a part of said stream, convenient for a road to run, from the county road in said Rowley, at or near Pollypod bridge, so called, to the Newburyport turnpike, and to a point thereon, near to the road leading to Dummer academy, in said Newbury.

[Approved by the Governor, March 13, 1834.]

CHAP. LXXVIII.

An Act in addition to "An Act to incorporate the Barnstable County Mutual Fire Insurance Company."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, whenever the sum subscribed by the associates of the Barnstable County Mutual Fire Insurance Company shall amount to fifty thousand dollars, the said company shall be, and hereby are authorized to insure, for any term of time, not less than one year, nor more than seven years, any buildings, goods, or moveables whatsoever, within the Commonwealth of Massachusetts, to any amount not exceeding three-quarters of the value of the property insured.

When subscription amounts to fifty thousand dollars.

[Approved by the Governor, March 13, 1834.]

CHAP. LXXIX.

An Act in addition to an Act authorizing the town of Cambridge to establish a Board of Health.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Board of Health of the town of Cambridge shall have power to cause every owner of lands, houses, or buildings, within said town, or his agent, to make a sufficient drain from such land, house, or building, to convey all waste water, and other liquid matter, whenever they shall adjudge the same to be a source of filth, nuisance, or cause of sickness to persons residing near such land, house, or building, or to the public, from such land, house or building, in such manner, of such materials and to such places, as said Board of Health may direct, and shall thereupon give such owner or agent notice in writing, specifying the mode and time in which such drain shall be completed : and in case the said owner or agent shall neglect to complete the same within the time so specified, the said board of health shall cause the same to be done, and shall be entitled to recover, of such owner or agent, the whole amount of the expense thereof, together with ten per cent. damages, by an action of the case by them to be brought before any court within the county of Middlesex having competent jurisdiction : *provided, however,* that in no case the said ten per

Owners of lands,
houses, &c. to
make drains.

Penalty for
neglecting to
make drains.

cent. to be recovered by way of damage, shall exceed the sum of twenty dollars.

[Approved by the Governor, March 15, 1834.]

CHAP. LXXX.

An Act to increase the Capital Stock of the Rail Road Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Rail Road Bank are hereby authorized to increase their present capital stock by an addition of one hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine: *provided*, that the whole amount shall be paid in on or before the first day of October next.

President and directors authorized to increase the capital stock.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions to which the present capital stock of said corporation is now subject.

SEC. 3. *Be it further enacted*, That before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid in to said bank,

President and directors to certify that the capital stock has been paid in.

shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, March 15, 1834.]

CHAP. LXXXI.

An Act concerning penalties for the breach of town By-Laws.

Seventh section
of the act of 1786,
amended.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the seventh section of the act entitled "an act for regulating towns, setting forth their power, and for the choice of town officers, and for repealing all laws heretofore made for that purpose," passed on the twenty-third day of March, in the year of our Lord one thousand seven hundred and eighty-six, be so far amended, that the penalties to be provided by towns for the breach of any of their rules, orders, and by-laws, which by said act they are authorized to make, may be greater in amount than the sum therein specified : *provided*, they shall not, in any case, exceed the sum of fifty dollars, to be appropriated as is provided in said act.

[Approved by the Governor, March 18, 1834.]

CHAP. LXXXII.

An Act to incorporate the Methodist Episcopal Society in Holliston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John P. Jones, Joseph Wood, and Asa Tayntor, their associates and successors, are hereby incorporated as a religious society, by the name of the Methodist Episcopal Society in Holliston, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation shall have power to hold and manage any estate, of the value of ten thousand dollars: *provided,* the same be appropriated exclusively to parochial purposes. Estate.

[Approved by the Governor, March 18, 1834.]

CHAP. LXXXIII.

An Act transferring to the Selectmen of the town of Nantucket the powers and duties of County Commissioners for the County of Nantucket.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the powers, authority and duties, which, before the passing of this act, were held and performed by the county commissioners in and for the county of Nantucket, are hereby transferred to the selectmen of the town of Nantucket, as duly elected and qualified from year to year; and all provisions of law inconsistent herewith, are hereby repealed.

Powers, &c. performed by the county commissioners, transferred to the selectmen.

[Approved by the Governor, March 18, 1834.]

CHAP. LXXXIV.

An Act to incorporate the First Baptist Society in Watertown.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joshua Cooledge, George Lawton and James Bishop, their associates and successors, are hereby incorporated as a relig-

Persons incorporated.

ious society, by the name of the First Baptist Society in Watertown, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

SEC. 2. *Be it further enacted*, That said corporation shall have power to hold and manage any estate of the value of ten thousand dollars, *provided* the same be appropriated exclusively to parochial purposes. Estate.

[Approved by the Governor, March 18, 1834.]

CHAP. LXXXV.

An Act in addition to "An Act for the relief of Poor Convicts."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the justices of the peace, who may perform the services contemplated in the act to which this is an addition, shall receive the sum of one dollar, and the same travelling fees, as for taking depositions, for each and every convict discharged in virtue of said act, said service to be certified, allowed and paid in like manner as is provided by law for costs accruing in other criminal matters, depending before justices of the peace. Fees of justices of the peace.

[Approved by the Governor, March 18, 1834.]

CHAP. LXXXVI.

An Act concerning the entry of Actions and Appeals.

Actions and appeals, how to be proceeded in, in case of the death of either party.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever either of the parties to an action, which by law survives to or against his executors or administrators, shall die before the day on which the writ in such action is returnable ; and whenever either of the parties to such action shall die after an appeal therein taken from a subordinate to a higher court, and before the first day of the term of the court to which such appeal was taken ; such action and appeal may be entered and proceeded in, in the same manner as if the deceased party had died after the entry of such action or appeal.

[Approved by the Governor, March 18, 1834.]

CHAP. LXXXVII.

An Act to incorporate the Orthodox Congregational Society in Petersham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David H. Grosve-

nor, Alanson Lincoln, and Artemas Wilder, their associates and successors, are hereby incorporated as a religious society, by the name of the Orthodox Congregational Society in Petersham; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted*, That said corporation shall have power to hold and manage any estate to the amount of ten thousand dollars, *provided*, the same be appropriated exclusively to parochial purposes.

Estate.

[Approved by the Governor, March 18, 1834.]

CHAP. LXXXVIII.

An Act to extend the time for liquidating the concerns of the Brighton Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, in addition to the time allowed by the statute of the year one thousand eight hundred and thirty-three, chapter one hundred and seventy-four, the president, directors and company of the Brighton Bank be allowed the further term of one year to settle and close their concerns in the manner prescribed by the statute of one thousand eight hundred and nineteen, chapter forty-three.

Further time allowed to settle concerns.

[Approved by the Governor, March 19, 1834.]

CHAP. LXXXIX.

An Act to authorize the First Congregational Church in Canton to sell certain Lands.

Empowered to
sell a certain
tract of land.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Congregational Church in Canton is hereby empowered to sell a certain tract of land owned by said church, situated in Canton aforesaid, and containing about eight acres; and Leonard Everett is hereby authorized to execute a deed to convey the same to the purchaser, receive the proceeds of such sale and pay over the same to the church.

[Approved by the Governor, March 19, 1834.]

CHAP. XC.

An Act to incorporate the Proprietors of the Second Congregational Meeting-House in Leicester.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Waldo Flint, Isaac Southgate, and John A. Smith, their associates and successors, are hereby incorporated as a religious society, by the name of the Proprietors of the Second Congregational Meeting-house in

Leicester ; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies, legally established in this Commonwealth.

SEC. 2. *Be it further enacted*, That said corporation shall have power to hold and manage any estate ; *provided*, the annual income thereof, exclusive of their meeting-house, do not exceed one thousand dollars ; *and provided also*, the same be appropriated only to parochial purposes.

[Approved by the Governor, March 19, 1834.]

CHAP. XCI.

An Act to incorporate the Methodist Episcopal Society in Dorchester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Miron Wight, Thomas Macintosh, and John Warren, their associates and successors, are hereby incorporated as a religious society, by the name of the Methodist Episcopal Society in Dorchester, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies, legally established in this Commonwealth.

SEC. 2. *Be it further enacted*, That said corporation shall have power to hold and manage any estate to the value of ten thousand dollars ; *pro-*

vided, the same be appropriated exclusively to parochial purposes.

[Approved by the Governor, March 19, 1834.]

CHAP. XCII.

An Act in addition to "An Act to establish the Winnisimmet Bank."

Part of former
act repealed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of "an act to establish the Winnisimmet Bank," passed on the twenty-seventh day of March, in the year of our Lord one thousand eight hundred and thirty-three, as regards the time within which the stockholders are required to pay in the capital stock thereof, is hereby repealed; and the stockholders of said bank are hereby required to pay in the said capital stock within six months from the passing of this act.

[Approved by the Governor, March 19, 1834.]

CHAP. XCIII.

An Act to incorporate the Wilberforce Manufacturing and Manual Labor School Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joshua Easton, Thomas Dalton, Dudley Tid, William Junior, John B. Cutler, Solomon R. Alexander, William Losson, Joel W. Lewis, Hiram Sewall, and Robert Wood, and their associates, are hereby incorporated by the name of the Wilberforce Manufacturing and Manual Labor School Company, for the purpose of manufacturing iron and other metals, and leather, and vending the articles manufactured therefrom, and also for the purpose of establishing in connection with said manufactory a manual labor and self-supporting school, said manufactory and school to be located in the town of North Bridgewater, in the county of Plymouth.

SEC. 2. *Be it further enacted,* That the said corporation shall have all the powers, and be subject to all the duties and liabilities, granted and prescribed by an act of this Commonwealth, passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations," and in addition to the powers therein granted, may establish, in connection with said manufactory, a school

Persons incorporated.

Powers, &c.

upon the manual labor and self-supporting system, and may make and ordain any by-laws necessary for the organization, support and conduct of said school, not inconsistent with the constitution and laws of this Commonwealth : *provided*, that no appropriation of the funds of said company shall be made for the support of said school, unless by the unanimous consent of all the members thereof, present at a meeting duly convened for that purpose.

Real and personal estate.

SEC. 3. *Be it further enacted*, That the said company may hold such real estate not exceeding in value twenty thousand dollars, and such personal estate not exceeding in value thirty thousand dollars, as may be necessary and convenient for the purposes of this act.

[Approved by the Governor, March 19, 1834.]

CHAP. XCIV.

An Act to incorporate the Proprietors of the New Bedford Brass and Iron Foundry.

Persons incorporated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Charles Wood, Barton Ricketson, Henry B. Gifford, Elihu Wood, and their associates, successors and assigns, are hereby made a corporation, by the name of the "New Bedford Brass and Iron Foundry," for the purpose of manufacturing articles of iron and

brass in the town of New Bedford, and county of Bristol ; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the powers and duties of manufacturing corporations," with power to hold such real estate not exceeding ten thousand dollars in value, and such personal estate not exceeding thirty thousand dollars in value, as may be necessary and convenient for the purpose aforesaid.

Real and personal estate.

[Approved by the Governor, March 19, 1834.]

CHAP. XCV.

An Act to incorporate the Wardens, Vestry, and Proprietors of Grace Church in New Bedford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Pardon T. Mumford, Joseph R. Shiverick, and Thomas Nye, Jr. their associates and successors, are hereby incorporated as a religious society, by the name of the Wardens, Vestry and Proprietors of Grace Church in New Bedford, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Persons incorporated.

Estate.

SEC. 2. *Be it further enacted*, That said corporation shall have power to hold and manage any estate to the amount of forty thousand dollars; *provided*, the same be appropriated exclusively to parochial purposes.

[Approved by the Governor, March 19, 1834.]

CHAP. XCVI.

An Act regulating the Assessment of Taxes in the town of Plymouth.

Town may elect
assistant assessors.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Plymouth may, at their meeting for the choice of town officers, or at any other meeting called for that purpose, annually elect three persons to assist the assessors in taking a list of the polls, in estimating the value of their personal property, and appraising the value of all real estates in said town; and, in case of the death or resignation of any person so chosen to assist the assessors, the selectmen of said town are hereby required to call a new meeting of the inhabitants, to choose a suitable person to fill such vacancy.

[Approved by the Governor, March 19, 1834.]

CHAP. XCVII.

An Act to establish a Police Court in the town of Taunton.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there is hereby established, within and for the town of Taunton, in the county of Bristol, a police court, to consist of one learned, able, and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences, and misdemeanors committed within the town of Taunton, whereof justices of the peace may take cognizance by law, the said justice to hold his office for the same time, and by like tenure, as justices of the peace. The court hereby established shall hear and determine all suits, complaints and prosecutions cognizable by it, in like manner as is provided by law, for the exercise of the powers and authority which now are, or may hereafter be vested in justices of the peace, and do all acts necessary to, and consistent with such powers and authority. And said court shall also have original jurisdiction of all civil suits and actions of which justices of the peace, in said county, may, or shall have cognizance, in concurrence with said justices, and original and exclusive jurisdiction of all such suits and actions where the plaintiff and defendant reside in said town of Taunton, and service of the writ is had on the defendant in said

Police court
established.

county; and an appeal shall be allowed from all orders, decrees and judgments of said court, in like manner, and to the same extent, that appeals are now allowed by law from orders, decrees and judgments of justices of the peace, and the justice of said court shall not be of council or attorney to any party in any matter or thing whatsoever, which may be pending in said court.

Writs and warrants issued by said court, returnable thereto.

SEC. 2. *Be it further enacted,* That all writs and warrants issued by said court, or by any justice of the peace within said town, in all cases whereof said court has, by this act, exclusive jurisdiction, shall be made returnable, and be returned before said court, and if any warrant shall be issued by any justice of the peace returnable before said court, the lawful fees payable therefor, shall not be paid or allowed to said justice, unless it shall appear, on the examination or hearing before said court, that there was reasonable cause for his issuing said warrant, in which case such fees, costs and charges shall be allowed and taxed in like manner as if the said warrant had been issued by a justice of the peace, according to the laws now in force.

Justice authorized to commit persons to the workhouse.

SEC. 3. *Be it further enacted,* That said justice be, and he is hereby authorized, when he shall deem it advisable, to commit all persons being inhabitants of said town, and convicted by said court of offences described in the second section of the statute of one thousand seven hundred and eighty-seven, chapter fifty-four, to the workhouse in said town, instead of the house of correction, as is now required, and for the same time that they may be committed to the house of correction, to be kept and governed in said workhouse according to the rules and regulations which are, or may be legally

established for the government of said house, and at the expense of said town.

SEC. 4. *Be it further enacted,* That it shall be lawful for the justice of said court, at his discretion, to discharge any person from imprisonment who shall have been confined under sentence of any court, for three months or more, for no other cause than non-payment of fine and costs, when it shall be made to appear to him that such person is unable to pay said fine and costs.

May discharge any person from imprisonment.

SEC. 5. *Be it further enacted,* That the justice of said court shall be entitled to demand and retain for his own use, out of all monies received by him, such fees as by law might be demanded and retained in the like case, by a justice of the peace, in full compensation for all services assigned to him by the provisions of this act.

Justice's fees.

SEC. 6. *Be it further enacted,* That all fines and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into the hands of the justice of said court, shall be by him accounted for, and paid over to the same persons, in the same manner, and under the same penalties for neglect, as are by law prescribed in the case of justices of the peace, and all costs in such prosecutions not thus received, shall be made up, taxed, certified and allowed, and shall be paid and satisfied in like manner as provided by law in cases of justices of the peace.

Fines.

SEC. 7. *Be it further enacted,* That a court shall be held by said justice, on two several days of each week, at ten of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors, and on one day in each fortnight, and as much oftener

Court, how often to be held.

as may be necessary, for the trial of civil suits and actions. And the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting the business thereof.

Justice to keep a record of all proceedings.

SEC. 8. *Be it further enacted,* That the justice of said court shall keep a fair record of all proceedings in said court, specifying all justices' fees, all officers and witnesses' fees, and all fines by him imposed and the money received thereon, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now, or may hereafter be by law required to do; and he shall also exhibit said record annually, in the month of March, to the selectmen of the town of Taunton, and the clerk of the supreme judicial court for the county of Bristol.

Act not to affect suits, &c. now pending.

SEC. 9. *Be it further enacted,* That all suits, actions, and prosecutions, which shall be instituted and pending before any justice of the peace within said town, when this act shall take effect, shall be heard and determined as if this act had not been passed.

Governor to appoint two special justices.

SEC. 10. *Be it further enacted,* That there shall be appointed by the governor, pursuant to the constitution, two special justices of said court; and whenever it shall happen that the justice of said court shall be a party, or interested in any suit or prosecution cognizable by said court, or be akin to either party therein, or shall from any cause be unable to attend said court, or hear and determine any matter or thing pending therein, the cause shall be assigned on the record, and the court may and shall be holden, and its jurisdiction exercised, by one or both of said special justices; and the said

special justices shall be paid for their services herein required of them, out of the monies received in said court, such sum as the justice of said court would be entitled to receive for the same services.

SEC. 11. *Be it further enacted,* That whenever the inhabitants of any of the towns in the county of Bristol, adjoining the town of Taunton, shall, at a legal town meeting, holden for that purpose, express their desire to be annexed to the town of Taunton, for the purposes of this act, and shall signify said desire to the governor, then, and in such case, said towns, or either of them so expressing their desire, shall, together with the town of Taunton, constitute one judicial district, to be called the district of Taunton, and the said court shall have the same jurisdiction in all respects, within such judicial district, that are conferred upon it by the provisions of the first section of this act, within the town of Taunton.

Adjoining towns may be annexed, for the purpose of forming one judicial district.

SEC. 12. *Be it further enacted,* That this act shall go into operation from and after the first day of July next, unless the said town of Taunton shall, at a legal meeting called for that purpose, refuse to accept the same, and shall signify said refusal to the governor, on or before the fifteenth day of April next; and the governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices, at any time after the said fifteenth day of April next.

Act, when to take effect.

SEC. 13. *Be it further enacted,* That all acts and parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

Acts inconsistent with this act, repealed.

[Approved by the Governor, March 21, 1834.]

CHAP. XCVIII.

An Act in further addition to "An Act to Incorporate the Massachusetts Horticultural Society."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in memory of the dead ; or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave-stone, or other structure aforesaid, or of any cemetery lot, within the limits of the garden and cemetery of Mount Auburn, in the county of Middlesex ; or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant, within the limits of the said garden and cemetery, or shall shoot or discharge any fire-arm within the said limits, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or other court of competent jurisdiction, be punished by a fine not less than five dollars, nor more than fifty dollars, according to the nature and aggravation of the offence : and such offender shall also be liable in an action of trespass, to be brought against him in the name of the Massachusetts Horticultural Society, to pay all such damages as shall have been occasioned by his unlawful act or acts, which money, when recovered, shall be applied by the said society, under the direction of the garden and cemetery com-

Penalty for mutilating or destroying any tomb, monument, &c.

Penalty for discharging any fire-arm.

mittee, to the reparation and restoration of the property destroyed or injured as above ; and members of the said society shall be competent witnesses in such suits.

SEC. 2. *Be it further enacted,* That any person Members. owning a cemetery lot containing not less than three hundred square feet, shall be a member of the Massachusetts Horticultural Society so long as he continues to own the same. And upon the death of any such proprietor, the devisee of such lot, or the heir at law, as the case may be, shall be entitled to all the privileges of membership as aforesaid ; and if there be more than one devisee or heir at law of such lot, the garden and cemetery committee of the said society, for the time being, shall designate which of the said devisees or heirs at law, shall represent the said lot, and vote in the meetings of the society, which designation shall continue in force, until by death, removal, or other sufficient cause, another shall become necessary ; and in making such designation, the said committee shall, as far as they conveniently may, give the preference to males over females, and to proximity of blood, and seniority of age, having due regard, however, to vicinity of residence.

SEC. 3. *Be it further enacted,* That it shall be lawful for the said society to take and hold any grant, donation, or bequest of property upon trust, to apply the income thereof, under the direction of the garden and cemetery committee, for the improvement or embellishment of the said cemetery, or of the garden adjacent thereto, or of any buildings, structures, or fences, erected, or to be erected upon the lands of the society, or of any individual proprietor of a lot in the cemetery, or for the re- Income of any donation, &c., how to be applied.

pair, preservation, or renewal of any tomb, monument, grave-stone, fence or railing, or other erection in or around any cemetery lot, or for the planting and cultivation of trees, shrubs, or plants, in or around any cemetery lot, according to the terms of the grant or bequest. And the supreme judicial court, and any other court having equity jurisdiction, shall have power to compel the due performance of the said trusts, upon a bill filed by a proprietor of any lot in the said cemetery.

[Approved by the Governor, March 21, 1834.]

CHAP. XCIX.

An Act to regulate the Compensation of Assessors.

Allowance to assessors. SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter, the assessors of the several towns or districts, in this Commonwealth, shall be entitled to receive out of the treasury of such town or district, each, the sum of one dollar for every whole day that he shall be necessarily employed in that service, together with such additional compensation as the towns may, at any meeting legally warned, think it proper to allow.

Former acts repealed.

SEC. 2. *Be it further enacted,* That all acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

[Approved by the Governor, March 21, 1834.]

CHAP. C.

An Act to change the names of the persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Luther Faulkner ^{Names changed.} 2d, of Boston may take the name of Luther Winthrop Faulkner; that Ephraim Skerry of Boston may take the name of George Beals Hanover; that Francis Skerry of Boston may take the name of Samuel Blacklen Hanover; that Richard James Calley Prentiss of Boston may take the name of Henry James Prentiss; that Ann Rand More of Boston may take the name of Ann Louisa Callender; that Charles Bridge of Boston, a minor, may take the name of William Smith Rowson; that Alven Clement Gowell of Boston may take the name of Alven Clement Goell; that William Cunningham of Boston may take the name of Theodore William Cunningham; that Isaiah Atkins of Boston may take the name of Isaiah Malcolm Atkins; that John Joy of Boston may take the name of John Benjamin Joy; that Richard Roberts Skimmer of Boston may take the name of William Henry Otis; that John Temple Winthrop of Boston may take the name of John Temple James Bowdoin; that Thomas Vose of Boston may take the name of Thomas Baker Vose; that William Keith of Boston may take the name of William Henry Keith; that Simon Gillpatrick of Boston may take the

Names changed. name of Simon Gill ; that Lucy Peterson of Boston may take the name of Lucy Adeliza Hewet Peterson ; that Lucy McIntosh of Boston may take the name of Lucy Fiske McIntosh ; that Daniel Fornis, a minor son of Sally Fornis of Boston may take the name of Daniel Thorndike Smith ; that Simon P. Wiggin of Boston may take the name of James S. Wiggin ; that Nathaniel Williams of Boston may take the name of Frederick G. Williams ; that Marion Smith of Boston may take the name of Marion Smith Livermore ; that Henry Smith, a minor son of the said Marion Smith, may take the name of Henry Smith Livermore ; that John Clark of Boston may take the name of John Canque, that his two minor sons, viz. John and Francis, may severally take the surname of Canque ; that Jonathan Champney of Boston may take the name of John Champney ; and that Hezekiah Hartley Wright of Boston may take the name of Hartley Hezekiah Wright ; all of the county of Suffolk.

County of Essex. That Catharine Judith Poor Tenney of West Newbury, a minor, may take the name of Catharine Tenney Little ; that Albert Rich of Lynn, a minor, may take the name of Allen Smith Rich ; that Eliza Treadwell, a minor daughter of Eliza Treadwell of Ipswich may take the name of Eliza White Treadwell ; that Lydia Ann Farnum, a minor daughter of Jerre Farnum of Andover, may take the name of Lydia Ann Lewis ; that Lucy Tenney of Rowley may take the name of Lucy Harriet Tenney ; that George Haycock of Rowley may take the name of George Cummins ; that Eliza Haycock, wife of the said George Haycock, that his minor daughters, viz : Elizabeth Appleton

and Martha Eliza, may severally take the surname of Cummins, also that Dolly Ann Palmer Haycock, a minor daughter of the said George Haycock, may take the name of Dolly Ann Palmer Cummins; that David Hood of Topsfield may take the name of Wesley de la Fletcher Hood; that Sally Chase Bailey Carr of West Newbury may take the name of Sarah Wyman Carr; that John March of Newbury may take the name of John Charles March; that William F., Vickery of West Newbury, may take the name of William F. Loring; that Jane Veazey of Newburyport may take the name of Jane Lunt; that John Russell of Marblehead may take the name of John Hickman Russell; that William Dove of Marblehead may take the name of William Curtis Anthony, and that Hannah Dove, the wife of the said William Dove, may take the name of Hannah Anthony; that William Dodge 3d, of Beverly may take the name of William Franklin Dodge; and that Orlando Sargent 3d, of Amesbury, may take the name of Orlando Howard Sargent; all of the county of Essex.

That James Gillpatrick of Watertown may take the name of James Gill; that Eliza Gillpatrick, the wife of the said James Gillpatrick, his minor daughter Mary Ann, and his minor son George, may severally take the surname of Gill; that Edmund Burpee of Lowell may take the name of Edmund Howes Kendall; that Henrietta Maria Sparhawk Burpee, wife of the said Edmund Burpee, and his minor son Edmund Howes, may severally take the surname of Kendall; that Betsey Farnsworth, wife of William J. Farnsworth of Charlestown, may take the name of Caroline Augusta Farnsworth; that Sarah Bradish Ayer of

Names changed.

County of Middlesex.

Charlestown, a minor, may take the name of Sarah Eliza Ayer Jackson ; that Elhanan Dean Bryant, a minor son of Ann Bryant of Charlestown, may take the name of Dean Perham Bryant ; that Edward Brown of Charlestown may take the name of Edward Wyer Brown ; that Samuel Frost Arnold of Framingham may take the name of Samuel Frost ; that John Smith, a minor son of Jesse Smith of Chelmsford, may take the name of John Henry Smith ; that Mitty Perry of Framingham may take the name of Elizabeth Ann Perry ; that William McLane of Cambridge may take the name of William Sinclair Thompson ; that Eben William Sage Stevens, a minor son of Thomas Holdup Stevens of Charlestown, may take the name of Eben William Sage ; all of the county of Middlesex.

County of Worcester.

That Lois Crouch of Bolton may take the name of Lois Elizabeth Nelson ; that John Smith of West Boylston may take the name of Austin Denny ; that Milton J. Adams of Worcester may take the name of Sewel Hawes ; that James P. Twitchell of Westminster may take the name of James P. Appleton, and that his wife Emily C. may take the name of Emily C. Appleton ; that Betsey Reed Joslin of Leominster may take the name of Elizabeth Marion Reed Joslin ; that Lavinah Crouch of Bolton may take the name of Mary Lavinah Nelson ; that Amos Pierce of Sutton may take the name of Charles Amos Pierce ; that Mary W. Howe of Grafton may take the name of Mary W. Putnam ; that James Henry Alexander Deland of North Brookfield may take the name of Henry Deland ; that George Fornis of Holden, a minor son of Sally Fornis, may take the name of George Howard Smith ; that Enos Bab-

cock of Fitchburg may take the name of Eneas Alson Marshall; that David Rice Babcock of Fitchburg, a minor, may take the name of David Rice Marshall; that Alexander James Dallas Brown of Southbridge may take the name of Alexander James Dallas; that Sally Walker of Hardwick may take the name of Susan Walker; that Adelaide Mary Fiske of Spencer may take the name of Adelaide Mary Green; that Harlow Fisher Skinner of Princeton may take the name of Harlow Skinner; that Alden Briggs of Grafton may take the name of John Briggs; that Hezekiah Harris of Princeton may take the name of Charles Hamilton Davis; that Samuel Francis of Lunenburg may take the name of Franklin Samuel Francis; all of the county of Worcester.

That Marshall Comee Moody of Granby may take the name of Marshall Heman Moody; that Chester Cowles, 2d, of Amherst may take the name of Chester W. Cowles; that Wright Dickenson of Amherst may take the name of Edward Wright Dickenson; that Charles Sinkler Brakenridge of Ware may take the name of William Sinkler Brakenridge; all of the county of Hampshire.

That Meshack Wilbur of Warwick may take the name of Priest Wilbur; that David Wood of Hawley may take the name of David Hough Wood; that Sarah Ann Renough of Hawley, a minor, may take the name of Sarah Ann King; that Africa Gates of Wendell may take the name of Edmund Gates; that Relief Wells of Bernardstown may take the name of Mary Gould; that James Kilton of Buckland may take the name of James Carlton; that Hannah Kilton, wife of the

County of Hampshire.

County of Franklin.

Names changed. said James Kilton, that his minor son William Augustus Leverit, and his minor daughters Mary Elizabeth, Sabra Willis and Jane Lurissa may severally take the surname of Carlton; that Norman Marsh of Sunderland may take the name of Norman Homer Marsh; that Meroe Porter of Leverett may take the name of Lucy Meroe Porter; that Harriett Shepard, a minor daughter of Amos Shepard of Buckland may take the name of Harriet Asenath Shepard; all of the county of Franklin.

County of Bristol.

That Isaac Gray of New Bedford may take the name of Isaac Henderson Gray; that John Fillebrown of Taunton may take the name of John Brown; that Joanna Fillebrown, wife of the said John Fillebrown, and his minor daughter Susan, and his minor sons John, Calvin, and Seth Henry, may severally take the surname of Brown; that Benjamin Weaver of Fall River may take the name of Charles Benjamin Weaver; that William F. Jones of Taunton may take the name of William Jones; that William Allen of New Bedford may take the name of William Marion Allen; that James Foster, Jr. of Attleborough may take the name of James Sullivan Foster; all of the county of Bristol.

County of Norfolk.

That Nathaniel Webster of Dorchester may take the name of Nathaniel Francis Webster; that Ichabod Holbrook of Dorchester may take the name of Clarendon Gorham Holbrook; that St. Medard Holbrook of Dorchester may take the name of George Holbrook; that Joanna Bates of Cohasset, a minor daughter of Samuel Bates, may take the name of Joanna Nichols Bates; that Charles George Glover, a minor son of Stephen Glover of Roxbury, may take the name of George Stephen Glover; all of the county of Norfolk.

That Polly Bardwell Nash, a minor daughter of Luke Nash, Jr. of Abington, may take the name of Emeline Hamilton Nash; that Dennis Snow of Rochester may take the name of Jackson Snow; that Mercy Thompson of Halifax may take the name of Mercy Tillson; all of the county of Plymouth.

That Hosea C. Bancroft of Stockbridge may take the name of George C. Bancroft; that Partridge Snow of Becket may take the name of Seneca Lorenzo Snow; all of the county of Berkshire.

That Moses Chapman Elliot, a minor son of Francis Elliot of Springfield, may take the name of William Henry Elliot; that Wilson Hamilton Hoar of Brimfield may take the name of Wilson Homer; that David Hoar of Springfield may take the name of David Hobart; that his wife Mabel Maria, and his son David Parsons, may severally take the surname of Hobart; all of the county of Hampden.

That John Geyer of Chilmark may take the name of John Hayden; that Lucretia Geyer, wife of the said John Geyer, his minor daughters Mary D., Sarah, Elizabeth, Lucretia, and Caroline, and his minor son John, may severally take the surname of Hayden; all of the county of Dukes County.

And the several persons herein mentioned are hereby authorized to take, and hereafter be known by the respective names, which by this act they severally are authorized to assume.

[Approved by the Governor, March 22, 1834.]

CHAP. CI.

An Act to incorporate the India Fire and Marine Insurance Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Josiah Marshall, Benjamin Burgess, and Abijah Patch, and their associates and successors, are hereby made a body politic, by the name of the India Fire and Marine Insurance Company, to be located in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses, and losses by fire, in the customary manner; with all the privileges, and subject to all the duties and obligations contained in the one hundred and twentieth chapter of the statutes of eighteen hundred and seventeen, and in the one hundred and forty-first chapter of the statutes of eighteen hundred and nineteen, and also in the ninety-fifth chapter of the statutes of eighteen hundred and thirty-two, for and during the term of twenty years after the passing of this act.

Authorized to
take and hold
real and personal
estate.

SEC. 2. *Be it further enacted,* That said corporation may purchase, hold, and convey any estate, real or personal, for the use of said company: *provided*, that the real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 3. *Be it further enacted*, That the capital Capital stock. stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in, in such instalments, and under such provisions and penalties as the president and directors of said company shall order and appoint.

[Approved by the Governor, March 25, 1834.]

CHAP. CII.

An Act to set off Thompson's Island from the town of Dorchester, and to annex the same to the city of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thompson's Island, lying in the harbor of Boston, and heretofore a part of the town of Dorchester, with the inhabitants thereon, is hereby annexed to the city of Boston, in the county of Suffolk; and said island shall hereafter be considered and deemed to be a part of the city of Boston: *provided*, that the said To be annexed to the city of Boston. island shall revert to the town of Dorchester, in one year after it shall cease, by the voluntary act of the proprietors, to be used for the purposes of a farm school, or other charitable public purposes, and shall be appropriated to any other use. Proviso. *And provided, also*, that nothing in this act contained shall destroy or affect any lawful right that

the inhabitants of the said town of Dorchester may now have, to dig and take clams on the banks of said island.

Taxation.

SEC. 2. *Be it further enacted*, That said island shall be exempted from taxation so long as it shall continue to be appropriated to the use of the Boston Farm School, or to any similar public charity.

[Approved by the Governor, March 25, 1834.]

CHAP. CIII.

An Act in addition to "An Act providing for the relief and support, employment, and removal of the poor, and for repealing all former laws made for those purposes."

Support of poor. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That when the court shall adjudge two or more of kin to any poor person, to be of sufficient ability to contribute to the support of such poor persons, and shall assess upon such kindred any sum for such support, according to the provisions of the third section of the act to which this is in addition, it shall be the duty of the court to tax no more costs against any respondent, than shall have been occasioned by his default, or separate defence.

[Approved by the Governor, March 25, 1834.]

CHAP. CIV.

An Act in addition to "An Act establishing the Sandy Bay Pier Company."

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the estate, property, and shares of the Sandy Bay Pier Company, exclusive of any estate and property, which may have been taken by said corporation, by virtue of "an act in addition to an act establishing the Sandy Bay Pier Company," shall be fixed and taken to be of the value of thirty-two thousand dollars, and shall be brought into a common stock with the new shares created under the last mentioned act, at the said sum of thirty-two thousand dollars, as fully to all intents and purposes, as if the same had been appraised at said sum, pursuant to the provisions of the fourth section of said last mentioned act.

Estate of the value of thirty-two thousand dollars.

SEC. 2. *Be it further enacted,* That the buildings heretofore made by said Sandy Bay Pier Company are hereby confirmed to said corporation, and the income hereafter arising from the same shall be divided among the old and new stockholders and proprietors in such manner as has been agreed upon, at a meeting of said corporation holden on the eighth day of March, in the year of our Lord eighteen hundred and thirty-four.

Income to be divided among stockholders and proprietors.

SEC. 3. *Be it further enacted,* That the fourth and fifth sections of the act entitled "an act in

Fourth and fifth sections repealed.

addition to an act establishing the Sandy Bay Pier Company," are hereby repealed.

[Approved by the Governor, March 25, 1834.]

CHAP. CV.

An Act to alter the Act to incorporate the Newton and Watertown Universalist Society.

Part of section
repealed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the second section of an act passed March 3d, 1827, as authorizes the Newton and Watertown Universalist Society to assess a tax on their pews for the support of public worship, is hereby repealed.

[Approved by the Governor, March 25, 1834.]

CHAP. CVI.

An Act to incorporate the Second Parish in Granby.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Perez Cook, Jr. Edward Smith, Harvey W. Gridley, and their associates, known as the Second Religious Society in

Granby, are, with their successors, hereby incorporated as a religious society, by the name of the Second Parish in Granby ; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies, legally established in this Commonwealth.

SEC. 2. *Be it further enacted*, That said cor- Estate.
poration shall be deemed and taken to be successor to said Second Religious Society, and as such shall be authorized to receive and hold all property belonging to the same, and shall also have power to hold and manage any other estate to the amount of five thousand dollars, *provided*, the same be appropriated exclusively to parochial purposes.

[Approved by the Governor, March 25, 1834.]

CHAP. CVII.

An Act to incorporate the Society of the Sons of
Dummer Academy, in Newbury.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward S. Rand, Persons incorpo-
rated. Jacob Gerrish, and Daniel Adams, their associates and successors, are hereby made a corporation, by the name of the Society of the Sons of Dummer Academy, with all powers and privileges, and subject to all the liabilities and requirements contained in the statute of one thousand eight hundred and thirty-three, chapter eighty third, with power also to hold

Real and personal estate.

real and personal estate to an amount not exceeding five thousand dollars, to be appropriated exclusively to the promotion of education and moral improvement in Dummer academy.

[Approved by the Governor, March 25, 1834.]

CHAP. CVIII.

An Act in addition to "An Act providing for additional meetings of County Commissioners in certain Counties."

Meetings.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, in addition to the meetings of the county commissioners for the county of Norfolk, as now established by law, there shall be holden and established a meeting of said commissioners, on the third Tuesday of June, and on the third Tuesday of December, in each year.

[Approved by the Governor, March 25, 1834.]

CHAP. CIX.

An Act to incorporate the Boston Sugar Refinery.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Brown, Richard Soule, and George Hallett, their associates, successors and assigns, are hereby made a corporation, by the name of the Boston Sugar Refinery, for the purpose of manufacturing and refining sugar, in the city of Boston, in the county of Suffolk, and with authority to buy and sell sugar, and all articles and things necessary and proper to be used in the manufacture and refining of sugar, and with all the powers and privileges, and subject to all the duties and requirements contained in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, not exceeding in value seventy thousand dollars, and such personal estate, not exceeding in value the sum of one hundred and eighty thousand dollars, as may be suitable and convenient for carrying on the manufactures and business aforesaid.

Real and personal estate.

[Approved by the Governor, March 25, 1834.]

CHAP. CX.

An Act to incorporate the Proprietors of Fresh Pond Meadows in Cambridge, Watertown, and West Cambridge.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Brewer, Samuel Watson, and John Davenport, and others, proprietors of meadows in the towns of Cambridge, Watertown, and West Cambridge, in the county of Middlesex, on the borders of Fresh Pond and Little Spy Pond, and above Menotomy Bridge, on the streams running from said ponds, overflowed and injured in consequence of the obstructions to the passage of the water in said streams, and by the setting back of the current of said streams, in consequence of the rising of the tide in Medford River, their heirs and assigns, of the said premises, be, and they hereby are made a body corporate, by the name of the Proprietors of Fresh Pond Meadows; for the purpose of removing the obstructions in said streams, opening such drains as may be deemed necessary, and constructing a dike, and gate at, or below Russell's Bridge, on the stream running from said ponds, and for the purpose of shutting out the tide from said meadows, and apportioning and collecting assessments on the said proprietors, in proportion as they shall be respectively benefited by such improvements, for the purpose of defraying the expenses of the same; with power to

Assessments

make by-laws, to choose a clerk, treasurer, committees, assessors, collectors of taxes, commissioners, and other officers and agents, as may be necessary and proper, for carrying into effect the purposes of this act; and such committees, assessors, or commissioners, as may be appointed for the levying and apportioning of assessments upon said proprietors, shall be sworn by some justice of the peace within said county of Middlesex, to the faithful performance of their duties.

May make by-laws, choose officers, &c.

SEC. 2. *Be it further enacted,* That, in case any of said proprietors shall, for sixty days, after demand thereof, neglect to pay his, her, or their proportion of any assessment made in pursuance of this act, for the purposes aforesaid, the collector or treasurer of said proprietors, or such committee, or other officers or agents of said proprietors, as may be authorized by them for this purpose, shall sell at public auction, after giving reasonable notice of such sale, such quantity of the meadow belonging to such delinquent proprietor or proprietors, as shall be deemed sufficient by such treasurer or collector, committee, or other officer, or agent authorized as aforesaid, to satisfy such assessment, and pay all necessary expenses incidental to such sale; and the said collector or treasurer, or such other officer or committee, or agent of said proprietors, being authorized for the purpose by said proprietors, shall convey by deed, the meadow so sold; which deed duly executed, shall give a valid title to the grantee, of the portion of said meadows so sold and conveyed, subject, however, to the right of the proprietor or proprietors thereof, to redeem the same within one year from the sale thereof, by paying the amount of such pur-

Delinquent's shares may be sold at auction.

chase money, and the interest therefor, to the purchaser, his heirs, assigns, or other legal representatives; and the surplus of the proceeds of such sale, over the amount of the assessment, and expenses of such sale, shall be paid over by the said collector or treasurer, or other officer, agent, or committee, making the sale, to the delinquent proprietor or proprietors of the estate thus sold.

Time for keeping gate open.

SEC. 3. *Be it further enacted*, That the said gate shall be kept open for the free passage of fish up and down said stream, from the first day of March, to the fifteenth day of June, in each year, and for such further time, as the court of common pleas in said county, on giving the parties interested, reasonable notice and hearing, on the application of the selectmen of Cambridge, or West Cambridge, for that purpose, may direct, in case the time above specified shall be found insufficient for the passage of shad and alewives to and from said ponds.

Penalty for injuring gate.

SEC. 4. *Be it further enacted*, That, if any person shall wilfully destroy, break down, remove, or injure said gate, or dike, the person or persons, so offending, shall forfeit and pay a sum not less than twenty dollars, nor more than one hundred dollars, to be sued for and recovered before the court of common pleas in said county, one half to the use of the complainant; the other half to the use of said proprietors.

Proprietors to signify their assent.

SEC. 5. *Be it further enacted*, That this act shall be in force only in respect of such of the proprietors aforesaid, as shall signify their assent thereto, in writing, or by voting therefor, at a meeting of said proprietors, duly called in the manner prescribed by law, for calling the meetings of corpo-

rations; and upon such adoption of this act, all acts heretofore passed to incorporate the proprietors of said meadows, for the purpose aforesaid, and the acts in addition thereto, shall cease to be in force.

[Approved by the Governor, March 25, 1834.]

CHAP. CXI.

An Act to alter the Act to incorporate the Port Society of the City of Boston and vicinity.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, at all future meetings of the managers of the Port Society of the city of Boston and vicinity, five shall constitute a quorum for doing business, any thing in the act to which this is in addition to the contrary notwithstanding. Quorum.

[Approved by the Governor, March 25, 1834.]

CHAP. CXII.

An Act to incorporate the Phillips Church Society
in the City of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Hayward, Jeremy Drake, and Jacob Pike, their associates and successors, are hereby incorporated as a religious society in the city of Boston, by the name of the Phillips Church Society, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Persons incor-
porated.

Trustees empow-
ered to convey
land.

SEC. 2. *Be it further enacted,* That the present trustees of the meeting-house, situated at the junction of A street and Broadway, in that part of the city of Boston called South Boston, or such of them as may be now resident in this Commonwealth, are hereby authorized to release and convey to said corporation all the real estate held by them as trustees, and the same shall vest, upon such conveyance, as an absolute estate in said corporation.

Estate.

SEC. 3. *Be it further enacted,* That said corporation shall have power to hold and manage any estate, the annual income of which, exclusive of their meeting-house, shall not exceed two thousand dollars : *provided,* the same be appropriated only to parochial purposes.

[Approved by the Governor, March 25, 1834.]

CHAP. CXIII.

An Act to incorporate the Proprietors of Byefield Meeting-House.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Putnam Perley, Daniel Hale, and James Peabody, their associates and successors, are hereby incorporated by the name of the Proprietors of Byefield Meeting-House, with all the powers and privileges, and subject to all the duties and liabilities to which similar corporations are subject by the constitution and laws of this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation shall have power to hold and manage any estate to the amount of five thousand dollars : *provided,* the same be appropriated exclusively to parochial purposes. Estate.

SEC. 3. *Be it further enacted,* That any proprietor in said meeting-house shall have a right to act and vote by proxy, at any meeting of said proprietors, in case such proprietor should not attend the same in person ; but no proprietor, whether of one or more pews, shall, in any case, be entitled to more than one vote, either in person or by proxy ; and in case a pew be owned by two or more persons, only one of them shall be entitled to vote by virtue of such ownership. Votes.

[Approved by the Governor, March 25, 1834.]

CHAP. CXIV.

An Act authorizing Judah Paddock, and others, to
build a Bridge in Dennis.

BE *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same,* That Judah Pad-
dock and Asa Shiverick, together with their asso-
ciates, successors and assigns, are hereby author-
ized to build a bridge over Sesuit Creek, in the
town of Dennis, from the meadow lands of Judah
Paddock, on the south of said creek, to the mea-
dow land of Asa Shiverick, on the north of said
creek : *provided*, said bridge be built within four
years from the passing of this act, and the width
be not less than twelve feet, and the under part
thereof not less than three feet above high water
mark, at a common course of high tides.

Persons incorpo-
rated.

Proviso.

[Approved by the Governor, March 25, 1834.]

CHAP. CXV.

An Act to incorporate the Lewis Wharf Company
in the City of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Binney, Samuel S. Lewis, and George Hallett, their associates and successors, are hereby made a corporation by the name of the Lewis Wharf Company, with power to hold, in fee simple, or otherwise, all or any part of that real estate situate in said city of Boston, including Lewis' wharf and Hancock's wharf, and bounded and described as follows, viz. northwesterly by Ann Street, northeasterly by the northeasterly side of Fleet Street, and the southwesterly side of Snow's wharf, formerly called Scarlet's wharf, extended into the harbor channel, southwesterly by Commercial street and the land and wharf of the Commercial Wharf Company, extended into the said channel, and northerly, easterly, and southerly by a line or lines in said channel as far northerly, easterly, and southerly as said Lewis' wharf or said Hancock's wharf may be lawfully extended; and said company may within the limits aforesaid, construct docks and wharves, lay vessels within and at the ends and sides thereof, and receive dockage and wharfage therefor, erect buildings, lay out streets and passage ways, and improve and manage said property, as to them shall seem

Persons incorporated.

expedient : *provided*, that nothing herein contained shall be understood as authorizing said corporation in any way to interfere with the legal rights of any person or persons whomsoever.

Number of
shares.

SEC. 2. *Be it further enacted*, That said corporation may, at any legal meeting, agree upon the number of shares, not exceeding five hundred, into which their stock shall be divided, which shares shall be transferable in a book kept by their clerk for that purpose, may assess on the stockholders, such sums of money from time to time, not exceeding in the whole two thousand dollars on each share, as may be necessary for the purchase, improvement and management of their estate, and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of said stockholder as may be sufficient therefor, to be sold at public auction to the highest bidder, first giving thirty days notice of said sale, by advertisement thereof, in one or more newspapers printed in said Boston : and, after deducting the amount of such unpaid assessment, and the charges of sale, the surplus, if any, shall be paid to said stockholder, and the purchaser of such share or shares shall be entitled to receive a certificate of the same.

Assessments.

Votes.

SEC. 3. *Be it further enacted*, That, in all meetings of the members of said corporation, each proprietor shall be entitled to one vote for each share by him held of said stock, but no one proprietor shall ever be entitled to more than ten votes : *provided, always*, that no assessment shall be made at any meeting unless agreed to by two thirds at least both in number and value of those proprietors present and represented, nor unless notice of the purpose of such meeting shall have been given ten

days at least previous thereto in the manner prescribed by the by-laws; and absent members may vote by proxy authorized in writing.

[Approved by the Governor, March 25, 1834.]

CHAP. CXVI.

An Act authorizing Nathaniel Vinal and others to extend their Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same;* That Nathaniel Vinal and others, proprietors of a certain wharf in the northerly part of the city of Boston, and adjoining Brown's wharf, are hereby authorized to extend their wharf into the sea, so far as the most northerly point of Brown's wharf; and that they shall have and enjoy the right and privilege of using and occupying the flats adjacent to said wharf when so extended, at the end and at the sides thereof, in the same manner, in which they have hitherto occupied and enjoyed the flats adjoining said wharf as it now is: *provided*, that nothing in this act contained shall in anywise impair or interfere with the private rights of any other person or persons whomsoever.

Authorized to extend wharf.

[Approved by the Governor, March 25, 1834.]

CHAP. CXVII.

An Act to repeal all Laws heretofore made for regulating the Alewife Fishery in a certain stream in the towns of Dracut and Methuen.

Former laws repealed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all laws heretofore made for regulating the alewife fishery in a certain stream which flows from Peter's pond in Dracut, in the county of Middlesex, and Methuen, in the county of Essex, into Merrimack river, running through Bartlett's farm; and on which are situated Bartlett's mills in Methuen, and Richardson's mills in Dracut, or that require any passage way for said fish through or around any dams across said stream, are hereby repealed.

[Approved by the Governor, March 25, 1834.]

CHAP. CXVIII.

An Act authorizing the Fall River Iron Works Company to build a Wharf in the harbor of Fall River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Fall River Iron

Works Company, in the town of Fall River, and county of Bristol, are hereby empowered to build a wharf in the harbor of Fall River, from high water mark, adjoining the land of said Fall River iron works company, commencing about two hundred feet easterly from the wharf now owned and improved by said company, and extending in a line, nearly parallel with the wharf aforesaid, three hundred and fifty feet, thence extending in an easterly direction to within fifty feet of the middle of the channel of the Fall River or creek, thence extending by said channel, and within fifty feet of the middle of said channel, to the nail factory belonging to said company; and that the said company be allowed all the privileges heretofore granted, or that may hereafter be granted, to proprietors of wharves in said harbor, for the use, occupation, and accommodation of said wharf: *provided*, the erection and improvement of said wharf shall in nowise affect the private rights of any person or persons whomsoever.

[Approved by the Governor, March 25, 1834.]

CHAP. CXIX.

An Act to incorporate the Great Barrington Iron Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John C. Coffing, Timothy Chittenden, Phineas Chapin, with such*

Empowered to
build wharf, &c.

Persons incorpo-
rated.

others as may associate with them, their successors and assigns, are hereby made a corporation by the name of the Great Barrington Iron Company, for the purpose of manufacturing iron in the town of Great Barrington, in the county of Berkshire ; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an Act defining the general powers and duties of manufacturing corporations."

Estate.

SEC. 2. *Be it further enacted*, That said corporation may lawfully hold such real and personal estate as may be necessary for the purposes aforesaid : *provided*, the value of said real estate shall not exceed the sum of thirty thousand dollars, and the value of such personal estate the sum of twenty thousand dollars.

[Approved by the Governor, March 26, 1834.]

CHAP. CXX.

An Act to prevent the destruction of Oysters and other Shell Fish in the town of Sandwich.

Penalty for taking oysters, or other shell-fish.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any person shall hereafter take any oysters or other shell fish from their beds, or destroy them therein, in the

town of Sandwich, except as is hereinafter provided, he shall forfeit and pay, for every bushel of oysters so taken or destroyed, the sum of five dollars, and for every bushel of other shell-fish so taken or destroyed, the sum of three dollars : *provided, however*, that the selectmen of said town, for the time being, or a major part of them, may give permits in writing to any inhabitant of said town to take oysters, or other shell-fish from their beds, at such times and for such uses, as they shall think reasonable, and express in such permits, not exceeding two bushels for one family : *provided, further*, that any inhabitant of said town may, without such permit, take one bushel of oysters or other shell-fish per week from their beds in said town, for the use of his or her family, from the first day of September to the first day of June, annually.

SEC. 2. *Be it further enacted*, That, if any vessel, boat, or craft, cart, waggon, sleigh, or other vehicle shall be found within the limits of said town with any oysters or other shell-fish on board the same, taken in said town contrary to the provisions of this act, any inhabitant or inhabitants of said town when such vessel, boat or craft, wagon, cart, sleigh, or other vehicle, shall be so found trespassing, may seize and detain the same, not exceeding forty-eight hours, in order that the same, if need be, may be attached by due process of law to answer the said fines, and forfeitures, with costs of suit : *provided, however*, that as soon as the owner or master of any such vessel, boat, or craft, cart, wagon, sleigh, or other vehicle, shall pay said fines and forfeitures without suit to the treasurer of said town, one half to the use of said town, and the other half to the person or persons

Inhabitants may seize and detain any vessel, &c. having oysters or other shell-fish on board, taken contrary to the provisions of this act.

seizing the same, such vessel, boat or craft, wagon, sleigh or other vehicle, shall be discharged with the effects therein.

Penalties.

SEC. 3. *Be it further enacted,* That if any person or persons residing in said town of Sandwich shall aid or assist any person or persons, belonging to any other town, in taking any of the fish aforesaid, or shall supply them therewith, he shall forfeit and pay, for every bushel of oysters so taken, the sum of five dollars, and for every bushel of other shell fish so taken, the sum of three dollars, and the purchaser or purchasers knowing them to be unlawfully taken, shall be subject to the like forfeitures.

Witnesses.

SEC. 4. *Be it further enacted,* That all persons not otherwise disqualified shall be competent and legal witnesses in any prosecution upon this act, they being inhabitants of said town of Sandwich notwithstanding.

Forfeitures.

SEC. 5. *Be it further enacted,* That all the forfeitures mentioned in this act, not herein otherwise appropriated, shall enure, one half to said town, and the other half to the person or persons giving information, to be recovered by the treasurer of said town in an action of debt, before any justice of the peace for said county of Barnstable, or any court proper to try the same.

[Approved by the Governor, March 26, 1834.]

CHAP. CXXI.

An Act in addition to "An Act to incorporate the Taunton Britannia Manufacturing Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Taunton Britannia Manufacturing Company is hereby authorized to increase its present capital stock, by an addition thereto of a sum not exceeding twenty thousand dollars. May increase capital stock.

[Approved by the Governor, March 26, 1834.]

CHAP. CXXII.

An Act in addition to "An Act to direct the time and manner of exhibiting the Accounts of County Treasurers, and the estimates for County Taxes."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter the estimates of taxes for all county charges, provided for in said act, and the accounts and estimates therein required to be prepared and returned by county treasurers, shall be made up to the last day of each calendar year inclusive, and returned into the office Estimates of taxes, &c., when to be made up.

of the secretary of the Commonwealth, on or before the first day of February annually, in the form and manner, and by the persons, as prescribed in said act.

Fees.

SEC. 2. *Be it further enacted*, That in making up their accounts, as required by the act aforesaid, the several county treasurers shall add thereto a particular account of all fees which are by law returnable to county treasurers, including those of county commissioners, and the same shall, in the form, manner, and time aforesaid, and by the persons aforesaid, be examined, certified and returned to the secretary of the Commonwealth.

[Approved by the Governor, March 26, 1834.]

CHAP. CXXIII.

An Act to incorporate the Bowdoin Insurance Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John L. Dimmock, Timothy C. Kendall, and Thomas R. Dascomb, their associates and successors, be, and they hereby are made a body politic, by the name of the Bowdoin Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses, and insurance against losses by fire, in the customary manner, with all the privileges, and subject to all

the duties and obligations contained in the one hundred and twentieth chapter of the statutes of eighteen hundred and seventeen, and in the one hundred and forty-first chapter of the statutes of eighteen hundred and nineteen, and also in the ninety-fifth chapter of the statutes of eighteen hundred and thirty-two, for and during the term of twenty years after the passing of this act.

SEC. 2. *Be it further enacted*, That said corporation may purchase, hold and convey any estate, Real and personal estate. real or personal, for the use of said company : *provided*, that the real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 3. *Be it further enacted*, That the capital Capital stock. stock of said company shall be two hundred thousand dollars, and shall be divided into shares of fifty dollars each, and shall all be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint.

[Approved by the Governor, March 26, 1834.]

CHAP. CXXIV.

An Act to incorporate the Boston Bewick Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John H. Hall, Abel Bowen, and John C. Crosman, their associates, successors and assigns, are hereby made a corporation, to be established in the county of Suffolk, by the name of the Boston Bewick Company, for the purpose of employing, improving, and extending the art of engraving, polytyping, embossing and printing, and carrying on the business thereof. And for these purposes, and for no other, shall have all the powers and privileges, and be subject to all the requirements contained in "an act defining the general powers and duties of manufacturing corporations," passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty.

Real and per-
sonal estate.

SEC. 2. *Be it further enacted,* That the said corporation may lawfully hold and manage real estate, not exceeding in value sixty thousand dollars, and such personal estate as may be found convenient, not exceeding sixty thousand dollars.

[Approved by the Governor, March 27, 1834.]

CHAP. CXXV.

An Act establishing the dividing line between the towns of Richmond and West Stockbridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described line be established as the true dividing line between the towns of Richmond and West Stockbridge, to wit : beginning at the old monument or stake and stones, standing on the east line of the state of New York ; about ten links easterly from a large white oak tree marked ; thence running easterly, in a direct line, seven hundred and sixty rods, to a monument called the Cone Corner.

Dividing line established.

[Approved by the Governor, March 27, 1834.]

CHAP. CXXVI.

An Act concerning Alewives in Herring River, in the town of Sandwich.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen of the town of Sandwich for the time being, or a major part of them, are hereby empowered, in the

Selectmen empowered to prescribe the manner, &c., of taking alewives.

month of March or April, annually, to prescribe the time, place or places and manner of taking alewives in Herring River, in the town of Sandwich, such time not to exceed four days in a week, and they shall appoint some suitable person or persons to take the same, and fix the compensation to be paid therefor.

Dams to be kept open for the passage of said fish, &c.

SEC. 2. *Be it further enacted*, That the owners or occupants of dams across said river shall annually, during such time, not exceeding sixty days in each year, as shall be prescribed by the selectmen of said town, or the major part of them, for the time being, keep constantly open and maintain through, over, or around their respective dams, a passage sufficient and proper for the passing of said fish, to the satisfaction of said selectmen, under a penalty not less than ten, nor more than sixty dollars, for each and every twenty-four hours they shall neglect to open a passage-way as aforesaid ; and the said selectmen, shall, thirty days at least before the commencement of said period, notify in writing the owners or occupants of said dams, of the time when the said passage-ways shall be opened, and the manner in which they shall be constructed and regulated. *Provided, however*, that if any such owner or occupant shall at any time be dissatisfied with the determination of said selectmen in relation to the construction or regulation of such passage-way or passage-ways, such owner or occupant may, by application in writing to the selectmen of the town of Barnstable, for the time being, in said county of Barnstable, who are hereby constituted a committee for that purpose, cause such passage-way or passage-ways to be fixed, prescribed, and regulated in writing by said com-

mittee; and such passage-way or passage-ways shall thereafter be, by the owners or occupants of said dam or dams, kept open and regulated in width and depth, and in all other respects, pursuant to said written determination of said committee, under the same penalty as is herein before provided. And the expense of said committee shall be paid by the owners or occupants of said dam or dams, or by the said town of Sandwich, as said committee shall adjudge.

SEC. 3. *Be it further enacted*, That the said selectmen of the town of Sandwich shall have full power and authority to cause the natural course of the stream, through which said fish pass, to be kept open and free of obstructions, except the dams aforesaid, and to remove all such obstructions, except as aforesaid, and, for that purpose as well as for the other purposes of this act, shall have authority to go upon the land or meadow of any person through which said stream runs, without being deemed trespassers, and if any person or persons shall molest the said selectmen, or either of them, in the execution of his or their duties under this act, or shall obstruct the passage of said fish, except as aforesaid, the person or persons so offending shall on conviction thereof, before any justice of the peace in the county of Barnstable, pay a fine for every such offence; not exceeding twenty, nor less than ten dollars.

Powers and authorities of selectmen in relation to said fish.

SEC. 4. *Be it further enacted*, That if any person or persons shall take any of the fish aforesaid, in said river or the ponds in which said fish cast their spawn, at any time or in any place or manner other than shall be allowed by said selectmen as aforesaid, each person so offending, shall, for each

Penalty for taking said fish otherwise than shall be allowed by the selectmen.

and every such offence, on conviction thereof, pay a fine not exceeding twenty dollars, nor less than one dollar.

Quantity of fish
each family shall
receive, &c.

SEC. 5. *Be it further enacted*, That from and after the passing of this act, the inhabitants of said town, at their annual March meeting, shall determine the quantity of said fish that each family in said town shall receive, and establish the price they shall pay therefor.

Witnesses.

SEC. 6. *Be it further enacted*, That all persons, not otherwise disqualified, shall be taken to be competent and legal witnesses in any prosecution upon this act, they being inhabitants of said town of Sandwich notwithstanding.

Forfeitures how
to be appropri-
ated.

SEC. 7. *Be it further enacted*, That all the forfeitures incurred by virtue of this act, shall be, two thirds to the use of the said town of Sandwich, and one third to the person or persons giving information, to be recovered in an action of debt, in any court proper to try the same, to be brought by the treasurer thereof.

Privileges of the
Herring Pond In-
dians.

SEC. 8. *Be it further enacted*, That the Herring Pond Indians shall be allowed the same privileges, in relation to said fish, as have heretofore been usually granted them by said town of Sandwich.

[Approved by the Governor, March 27, 1834.]

CHAP. CXXVII.

An Act to incorporate the Second Essex Mutual Fire Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Andrews, Junior, Ezra Perkins, and Winthrop Low, their associates and successors, are hereby made a corporation, by the name of the Second Essex Mutual Fire Insurance Company, with powers and privileges incident to such corporations, for the term of twenty-eight years.

Persons incorporated.

SEC. 2. *Be it further enacted,* That, when the sum subscribed to be insured shall amount to the sum of fifty thousand dollars, said corporation may insure for the term of from one to seven years, upon any building, merchandize, goods, or furniture whatsoever, within the county of Essex, to any amount not exceeding three-quarters of the value of the property insured.

Insurance to be made when fifty thousand dollars are subscribed.

SEC. 3. *Be it further enacted,* That the funds of said corporation shall be vested in stocks, or loaned on security, as the directors may order, and shall be appropriated, first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation, exceeding the amount of their then existing funds, the directors shall,

Funds to be vested in stocks, or loaned.

without delay, assess such sum as may be necessary, on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed triple the amount of such premiums and deposits.

Execution may be levied on the estate or funds of the corporation.

SEC. 4. *Be it further enacted*, That, when any member shall recover judgment against said corporation, he may levy his execution on their estate or funds; but if sufficient estate or funds cannot be found, he may levy the same on the private property of any of the directors: *provided*, they first refuse or neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose; and any director, whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor.

Policy to create a lien on property insured.

SEC. 5. *Be it further enacted*, That each policy of insurance shall of itself, without any other ceremony, create a lien on any building insured, and on the land under it, for the payment of the premium stipulated in said policy, and of assessments lawfully made by virtue thereof; and this provision shall not prevent the taking of other collateral security.

SEC. 6. *Be it further enacted*, That, in case it shall become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured or his legal representative, and likewise of the tenant in possession; and in case of non-payment, the corporation may sustain an action for the sum due, either on the deposit note, or by assessment, and their execution may be levied on the estate insured, and the officer making the levy may sell the whole or any part of the estate at

auction, giving notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution; and the owner shall have a right to redeem the estate, by paying the costs of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from said sale.

Delinquent's property may be sold at auction.

SEC. 7. *Be it further enacted*, That each member of said corporation may vote by proxy, and be entitled to as many votes as he has policies.

[Approved by the Governor, March 27, 1834.]

CHAP. CXXVIII.

An Act to incorporate the Merchants Marine Railway Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Savage, John Binney, and George Hallett, their associates and successors, are hereby made a corporation, by the name of the Merchants Marine Railway Company, for the purpose of erecting railways in East Boston for the repairing of ships and vessels thereupon, and the doing and transacting of all matters and things whatsoever relating to the building and repairing of vessels upon such railways.

Persons incorporated.

SEC. 2. *Be it further enacted*, That the said corporation is hereby declared capable to have,

Estate.

hold and possess real estate not exceeding in value fifty thousand dollars, and a further capital stock of fifty thousand dollars, with liberty to increase the same to any amount not exceeding in all two hundred thousand dollars.

Shares.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, and numbered in progressive order, beginning at number one, and certificates shall be signed by the treasurer of the corporation, and issued to the proprietors accordingly, and the shares aforesaid shall be transferable by endorsement on the back of the said certificates, and the property in shares shall be vested in the vendee or assignee thereof, when a record shall be made thereof by the clerk of the corporation, and new certificates shall be issued accordingly; and in all meetings of the members of the said corporation for the transaction of business, each proprietor shall be entitled to one vote for every share held by him : *provided, always*, that no one member shall ever be entitled to more votes than shall be equal to one fifth part in value of the corporate property, and members shall have the right to appear and act at any meeting by proxy.

Proviso.

Shares may be assessed.

SEC. 4. *Be it further enacted*, That said corporation may from time to time, at any legal meeting called for that purpose, assess upon each share such sum or sums of money as shall be judged necessary for raising a capital for the completion and effecting the objects of this incorporation, and for the carrying on the business thereof, and for defraying the expense and charges incident thereto, to be paid to the treasurer at such time or times, and by such instalments, as shall be directed by said corporation; and if the proprietor of any share

shall neglect or refuse to pay any tax duly rated by said corporation, for the term of thirty days after the time set for the payment thereof, the treasurer is hereby authorized to sell, at public vendue, the share or shares of said delinquent proprietor, sufficient to pay all taxes and assessments which may be then due from said proprietor, with the necessary and incidental charges, after having given public notice in some newspaper printed in the city of Boston, of the time and place of sale, at least ten days before the sale, and such sale shall be a legal transfer of the share or shares so sold to the purchaser, who shall be entitled to receive a certificate or certificates of the share or shares so sold, and by him purchased.

Delinquent's
shares may be
sold at auction.

[Approved by the Governor, March 27, 1834.]

CHAP. CXXIX.

An Act in addition to "An Act to alter and amend the Constitution of the Board of Overseers of Harvard College."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, whenever any vacancy exists in the clerical part of the board of overseers of Harvard College, the board, in filling such vacancy, agreeably to the provisions of the statute of one thousand eight hundred and nine, chapter one hundred and fourteenth, may elect any*

May elect any
stated minister
to fill vacancy.

stated minister of a church of Christ, ordained agreeably to the usages of the order to which he may belong: *provided*, that when any minister so elected shall cease to have the ministerial relation he had at the time of his election, or shall remove out of the Commonwealth, the place of such minister at said board shall thereupon become vacant.

SEC. 2. *Be it further enacted*, That this act shall be in force when the overseers of Harvard College, and the president and fellows of Harvard College, shall accept the provisions of the same.

[Approved by the Governor, March 28, 1834.]

CHAP. CXXX.

An Act to incorporate the Proprietors of Chelsea Free Bridge.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin T. Reed, Amos Binney, John Henshaw, and their associates, successors and assigns, are hereby made a body corporate, by the name of the Proprietors of Chelsea Free Bridge.

Bridge to be
built across Chel-
sea creek.

SEC. 2. *Be it further enacted*, That said corporation is hereby authorized to build a bridge across Chelsea Creek, from the northerly side of Noddle's Island, in the harbor of Boston, to the farm of Benjamin Shurtleff, in Chelsea; which bridge shall be

well built, of good and sufficient materials, not less than twenty-five feet wide, with sufficient railings for the protection of passengers, with a good and sufficient draw, not less than twenty-five feet wide; which draw shall, at all times, on demand, be raised for the passage of vessels that cannot pass under said bridge. And said bridge shall be furnished with proper piers on both sides, above and below, for the accommodation of vessels passing through the same. And in case any such vessel about to pass said bridge shall be detained more than one hour, the corporation shall forfeit and pay, to the owner or owners of such vessel, a sum not less than three dollars, nor more than twenty dollars, to be recovered by action of debt in any court proper to try the same. And no toll shall be demanded of any person or persons who shall pass over said bridge: *provided, always*, that if at any time hereafter, the proprietors of said bridge shall lay out, or cause to be laid out and made, any road from the Chelsea end of said bridge to any road whatsoever, within the limits of the town of Chelsea, the inhabitants of said town shall never be chargeable with any cost or expense whatsoever, for the laying out, making, repairing, or maintaining such road. *And provided, also*, that said corporation shall not build said bridge, until a good and sufficient bond, to be approved by the treasurer of this Commonwealth, in the penal sum of three thousand dollars, shall be filed in the office of said treasurer, conditioned to pay all penalties and forfeitures that may be incurred within the meaning and intent of this act; and said corporation shall be liable for all damages to travellers over said bridge, happening through any defect of the same, in the same way and manner as towns are liable for

Bridge to be furnished with piers.

Forfeiture for detaining vessels.

Proviso.

Corporation to give bond to the Commonwealth.

defects in public highways and bridges, and the condition of the bond herein before mentioned shall also provide for the payment of all damages which may be so sustained.

Time for building the bridge.

SEC. 3. *Be it further enacted*, That if said corporation shall neglect for the space of three years after the passing of this act to build said bridge, then this act shall be void.

[Approved by the Governor, March 28, 1834.]

CHAP. CXXXI.

An Act to continue in force "An Act concerning Warren Bridge."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That "an act concerning Warren Bridge," passed March 28th, 1833, be, and the same shall hereby remain in full force and operation, until the last day of the session of the next General Court.

[Approved by the Governor, March 28, 1834.]

CHAP. CXXXII.

An Act concerning prosecutions for the recovery of
fines imposed by Courts Martial.

BE *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same,* That whenever hereaf-
ter in any action, which may be brought according
to the provisions of the statute of one thousand
eight hundred and twenty one, chapter ninety-two,
section ninth, in the name of any judge advocate in
the militia of this Commonwealth, judgment shall
be rendered for costs against said judge advocate,
and execution be issued therefor, it shall be the
duty of the treasurer of the county in which said
judgment shall be rendered, to pay the amount
thereof; and the same shall be allowed to said
county in the settlement of said treasurer's account
with the Commonwealth.

Treasurer of the
county to pay
the fine.

[Approved by the Governor, March 28, 1834.]

CHAP. CXXXIII.

An Act to incorporate the Belvidere Woollen Manufacturing Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Richard Warren, Samuel F. Barry and Thomas B. Park, their associates and successors, are hereby constituted a corporation by the name of the Belvidere Woollen Manufacturing Company; for the purpose of manufacturing woollen goods in the town of Tewksbury, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the fifty-third chapter of the statutes of the year eighteen hundred and twenty-nine, being the act entitled "an act defining the general powers and duties of manufacturing corporations."

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of forty thousand dollars, and of personal estate not exceeding the value of eighty thousand dollars.

[Approved by the Governor, March 28, 1834.]

CHAP. CXXXIV.

An Act to reduce the Capital Stock of the Cambridge Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next, the capital stock of the Cambridge Bank shall be, and the same is hereby reduced, from one hundred and fifty thousand, to one hundred thousand dollars, and that, from and after that time, all the rights, duties and liabilities of said corporation, as granted, allowed or prescribed in and by the charter thereof, and by the several laws of the Commonwealth made for the regulation of banks and banking, shall have relation to, and be governed by said reduced capital of one hundred thousand dollars. *Provided, however,* that the difference between the present, and the reduced capital aforesaid, or any part thereof, shall not be paid over to the stockholders, unless there shall remain in said bank funds sufficient in money and good securities, including the real estate of said corporation, to pay all existing debts due from it, over and above the said capital of one hundred thousand dollars. And the directors of said bank for the time being, respectively, shall be held responsible in their individual capacities, to any creditor of said bank, for any loss or damage occasioned by any violation of this proviso, to which such directors or director may

Capital stock reduced.

Proviso.

have assented, and said directors, for security to themselves, and all persons interested, may retain in deposit in said bank, all, or any part of the present capital stock which may be reimbursable to the stockholders by this act, for a period not exceeding ninety days from said first day of April.

[Approved by the Governor, March 28, 1834.]

CHAP. CXXXV.

An Act to incorporate the Charlestown Infant School Society.

Persons incorpo-
rated.

Real and person-
al estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Catherine Walker, Maria T. Jackson, Elizabeth T. Hurd, and Ann L. Holden, their associates and successors, are hereby made a corporation, by the name of "the Charlestown Infant School Society," for the purpose of receiving and educating children preparatory to their entering the public schools, with all the powers and privileges, and subject to all the liabilities and requirements contained in the statute of one thousand eight hundred and thirty-three, chapter eighty-third ; with power also to hold real and personal estate to an amount not exceeding ten thousand dollars, to be appropriated exclusively to the purposes aforesaid.*

[Approved by the Governor, March 28, 1834.]

CHAP. CXXXVI.

An Act in addition to an Act incorporating the Pocasset Iron Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Pocasset Iron Company are hereby empowered to hold any real estate, not exceeding in the whole the value of eighty thousand dollars. Real estate.

SEC. 2. *Be it further enacted,* That the stock of the said corporation may be divided into such number of shares as the stockholders, at their first meeting, shall prescribe. Number of shares.


[Approved by the Governor, March 28, 1834.]

CHAP. CXXXVII.

An Act in addition to an Act for defining the rights and duties of Rail Road Corporations in certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in case any rail road corporation has taken, or shall take any land or other property within the city of Boston, for Powers of mayor and aldermen.

their rail road, or for the proper construction and security thereof, and the said corporation shall be unable to obtain the said land or other property by voluntary agreement with the owner or owners thereof, the mayor and aldermen of said city shall have all the powers of the county commissioners in other counties in similar cases, and the same proceedings shall be had before the said mayor and aldermen, for the purpose of ascertaining, securing and obtaining payment of said damages, and subject to the same limitations, as before the said county commissioners. And in case either party is dissatisfied with the estimate of damages thus made by said mayor and aldermen, he, she, or they may apply for a jury upon this subject, to the court of common pleas, next to be holden within the county of Suffolk, after the said estimate is made known to the parties, whereupon the same proceedings shall be had as in case of estimating and enforcing payment of damages for laying out streets within the said city.

 Filing of location with mayor and aldermen.

SEC. 2. *Be it further enacted,* That the filing, with the mayor and aldermen of said city, of the location of the parts of any rail road, or any variations thereof, lying within said city, shall have the same effect as the filing thereof with the county commissioners in other counties.

Act not to impair any right of action now existing, &c.

SEC. 3. *Be it further enacted,* That nothing herein contained shall be construed to impair any right of action now existing in any persons or corporations, or to confer on any rail road corporation any right or authority not heretofore granted.

[Approved by the Governor, March 28, 1834.]

CHAP. CXXXVIII.

An Act in addition to "An Act to set off a part of the town of Foxborough, and annex the same to Walpole."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the land, with Boundary line. the inhabitants thereon, lying northerly of a line running from the corner of Silas Smith's woodland, in said act mentioned, thence running west by the needle, without allowing for a variation thereof, until it intersects the line between the said two towns, at a road running from the Norfolk and Bristol turnpike, near the house of the heirs of Stephen Fuller, to Wrentham, be, and the same hereby is set off from the town of Foxborough, and annexed to the said town of Walpole, subject to all the conditions and provisions in the act to which this is in addition.

[Approved by the Governor, March 28, 1834.]

CHAP. CXXXIX.

An Act to amend an Act for keeping Watches and Wards in towns, and for preventing disorders in streets and public places.

Part of former act repealed. SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the fourth section of the eighty-second chapter of the statutes of the year one thousand seven hundred and ninety-six as provides that every watchman shall carry a staff, with a bill fastened thereon, is hereby repealed.

Watchmen, how to be equipped. SEC. 2. *Be it further enacted,* That all watchmen hereafter appointed by virtue of said statute, shall be equipped in such manner as the mayor and aldermen of the city of Boston, and the selectmen of the several towns, shall respectively appoint and determine.

[Approved by the Governor, March 28, 1834.]

CHAP. CXL.

An Act to authorize the First Parish in Brookline to tax the Pews in their Meeting-house.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Parish in Brookline is hereby authorized to assess any sum or sums of money, which shall hereafter be voted by said parish to be raised for the support of publick worship and other parochial charges, upon the pews in the meeting-house of said parish, according to the relative value of said pews as appraised in the year eighteen hundred and six, by a committee appointed for that purpose, as recorded in said parish records: *provided, however,* that no pew now owned by any person who is a member of any other religious society shall be subject to a tax for the support of a minister or ministers in said parish, except with his or her own consent.

Parish authorized to assess.

SEC. 2. *Be it further enacted,* That if any proprietor of a pew neglect to pay his or her assessment, for the space of sixty days after such assessment, is payable, the treasurer shall advertise the pew of such delinquent for the space of six weeks, by posting a notice at said meeting-house, and two other public places in said town, stating the time, place, and cause of sale, and if all arrears shall not then be paid, he shall sell the same at auction to the highest bidder, and after deducting all sums

Neglecting to pay assessment.

due, with costs of sale and charges of conveyance, shall pay over the balance, if any, to the owner.

SEC. 3. *Be it further enacted*, That this act shall not go into operation until the consent of all the owners of pews who are members of said parish, shall be first obtained to the provisions of the same.

[Approved by the Governor, March 28, 1834.]

CHAP. CXLI.

An Act concerning Pickerel.

Chapter repealed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the forty-fifth chapter of the statutes of eighteen hundred and eighteen, entitled "an Act to prevent the destruction of pickerel in the ponds and streams within this Commonwealth," and the several acts in addition thereto, are hereby repealed.

[Approved by the Governor, March 28, 1834.]

CHAP. CXLII.

An Act authorizing Sheriffs and others to Administer Oaths in certain cases.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in all cases Oaths to jurors, &c. wherein a jury shall hereafter be empannelled by law for the purpose of assessing damages occasioned by the location of roads, canals, railways, or by flowing of lands, the sheriff or coroner attending such jury, or the person appointed by the court to preside at the trial before such jury, are hereby respectively authorized to administer, to the jurors and witnesses, all such oaths or affirmations as may be necessary upon such trial.

[Approved by the Governor, March 23, 1834.]

CHAP. CXLIII.

An Act to incorporate the Lechmere Glass Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ralph Smith, Persons incorporated. Lemuel P. Grosvenor, Andrew T. Hall, George

Bond, and Edmund Munroe, their associates and successors, are hereby made a corporation by the name of the "Lechmere Glass Company," for the purpose of manufacturing glass in the town of Cambridge, in the county of Middlesex, and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in the fifty-third chapter of the statutes of the year eighteen hundred twenty-nine, entitled "an act defining the general powers and duties of manufacturing corporations."

Estate.

SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars in value, and such personal estate not exceeding one hundred thousand dollars in value, as may be necessary and convenient for the purpose aforesaid.

[Approved by the Governor, March 23, 1834.]

CHAP. CXLIV.

An Act to incorporate the East Boston Timber Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James W. Paige, Francis J. Oliver, and Gideon Barstow, their associates and successors, are hereby made a corporation by the name of the East Boston Timber Company,

for the purpose of sawing and preparing at East Boston, by steam or water power, or otherwise, and of vending, ship and other timber, plank, boards, staves, joist, scantling, and all and every other article prepared and manufactured from wood, and shall have all the powers and privileges, and be subject to all the duties and requirements contained in the fifty-third chapter of the statutes of the year eighteen hundred twenty-nine, entitled "an act defining the general powers and duties of manufacturing corporations."

SEC. 2. *Be it further enacted*, That said corporation may lawfully hold and manage such real estate, not exceeding seventy-five thousand dollars in value, and such personal estate not exceeding seventy-five thousand dollars in value, as may be necessary and convenient for the purposes aforesaid.

Real and personal estate.

[Approved by the Governor, March 28, 1834.]

CHAP. CXLV.

An Act in further addition to "An Act providing for the government and regulation of the State Prison."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of April next, the inspectors and warden of the state prison may allow, to the superintendent of the stone department at the state prison,

Salary increased.

an addition to his present salary, of a sum not exceeding three hundred dollars a year, when, in their opinion, the interest of the institution may require it.

Rations.

SEC. 2. *Be it further enacted,* That the warden of the state prison may furnish fish for the convicts, instead of the rations of beef as now provided by law, one day in each week, when, in his opinion, the health of the convicts will be thereby promoted.

[Approved by the Governor, March 28, 1834.]

CHAP. CXLVI.

An Act to incorporate the Berkshire Cotton Manufacturing Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Henry C. Brown, David Carson, Theodore Hinsdale, their associates and successors, are hereby made a corporation by the name of the Berkshire Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Pittsfield, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the fifty-third chapter of the statutes of the year eighteen hundred twenty-nine, entitled "an act defining the general powers and duties of manufacturing corporations."

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of

such real estate not exceeding the value of sixty thousand dollars, and such personal estate not exceeding in value the sum of sixty-thousand dollars, as may be necessary and convenient for the purposes aforesaid.

[Approved by the Governor, March 28, 1834.]

CHAP. CXLVII.

An Act in addition to the several Acts regulating the Inspection of Pickled Fish.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inspector general, or his deputies, shall not be required to brand upon the casks in which mackerel may hereafter be packed, the owner's name, nor the word "cargo." Relating to branding casks.

SEC. 2. *Be it further enacted,* That the second and fifth sections of an act passed March fourteenth, one thousand eight hundred and thirty-one, entitled "an act in addition to the several acts regulating the inspection of pickled fish," are hereby repealed. Part of former act repealed.

SEC. 3. *Be it further enacted,* That the inspector general, or his deputies, shall brand upon every cask of mackerel inspected by him or them, the year in which the same is packed; and upon all No. 3 mackerel, that are usually denominated southern, or Block Island mackerel, and all others of a similar quality and description, the word "south;" and Inspectors to brand upon all casks inspected by them the year in which the same is packed. &c.

upon all other No. 3 mackerel, the word "north."
Provided, however, that the inspectors shall receive no additional compensation therefor.

Duties of inspectors.

SEC. 4. *Be it further enacted,* That it shall be the duty of the inspector general, or his deputies, when mackerel are presented to him or them for inspection, to select those of the best quality, and such as are fit for family use, for No. 1; those of the next best quality, being fat, free from damage, of suitable size, and not cut or mutilated in any manner for the purpose of deception, for No. 2; and all others for No. 3, and to brand the casks in which they are packed, accordingly.

Acts inconsistent with this act repealed.

SEC. 5. *Be it further enacted,* That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

[Approved by the Governor, March 28, 1834.]

CHAP. CXLVIII.

An Act in addition to "An Act concerning the Collection of Taxes."

Relating to act of 1831.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That nothing contained in the statute of eighteen hundred and thirty-one, chapter sixty-fourth, entitled "an act concerning the collection of taxes," shall be construed to take away or impair the authority of any town or city treasurer, who may be also chosen collector of taxes,

to issue a warrant of distress against persons delinquent in the payment of taxes, according to the provisions of the statutes giving that authority to such treasurer.

[Approved by the Governor, March 28, 1834.]

CHAP. CXLIX.

An Act authorizing the Proprietors of a certain Wharf at Commercial Point, in the town of Dorchester, to extend the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elisha Preston, and Charles O. Whitmore, of Dorchester, in the county of Norfolk, Josiah Stickney, Nathaniel Thayer, Jr., and Israel Lombard, of Boston, in the county of Suffolk, together with their successors and assigns, are hereby authorized to extend and maintain their wharf in the town of Dorchester aforesaid, into the harbor channel, in a southerly and easterly direction, one hundred feet from the end of their said wharf; and that they shall have and enjoy the right and privilege of using and occupying the flats adjacent to said wharf, when so extended, at the end and at the sides thereof, in the same manner in which they have hitherto occupied and enjoyed the flats adjoining said wharf as it now is: *provided*, that nothing in this act con-

Persons incorporated.

tained shall in any wise impair or interfere with the private rights of any other person or persons whomsoever.

[Approved by the Governor, March 28, 1834.]

CHAP. CL.

An Act concerning the State Lunatic Hospital.

Board of trustees.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the government of the State Lunatic Hospital, at Worcester, shall be vested in a board of five trustees, to be nominated by the governor, and appointed, with the advice and consent of the council, whose duty it shall be to take charge of the general interests of the institution, and to see that its affairs are conducted according to the requirements of the legislature, and the by-laws and regulations which the trustees shall establish, from time to time, for the internal government and economy of the institution. The trustees shall appoint a superintendent, who shall always be a physician, constantly resident at the hospital, and a treasurer, who shall give bonds in such sum, and with such sureties, as the trustees shall judge proper, for the faithful discharge of his duties. They shall also appoint, or make provision in the by-laws for appointing such other officers, as in the opinion of the board, may be necessary for conducting, efficiently and eco-

nomically, the business of the institution. The salaries of all the officers shall be determined by the trustees, to be approved by the governor and council ; and all appointments by the trustees shall be made in such manner, with such restrictions, and for such terms of time, as the by-laws may prescribe.

SEC. 2. *Be it further enacted*, That there shall be thorough visitations of the hospital, once in each month, by one or more of the board ; semi-annually by a majority ; and annually by the whole board. At each visitation, a written account shall be drawn up, of the state of the institution, to be presented to the board at the annual meeting, which shall be in the month of December ; at which time, a full and detailed report shall be made, to be laid before the governor and council during the first week of the session of the legislature, for the use of the government, exhibiting a particular statement of the condition of the hospital, and of all its concerns. The treasurer shall, at the same time, present to the governor and council his annual report of the finances of the institution ; both of which reports shall be made up to the thirtieth day of November, inclusive.

Visitations of the hospital, &c.

SEC. 3. *Be it further enacted*, That the judges of probate in the several counties of the Commonwealth, except Suffolk, and in the county of Suffolk, the judge of the municipal court, are authorized to commit to said hospital any lunatic, who, in their opinion, is so furiously mad as to render it manifestly dangerous to the peace and safety of the community, that such lunatic should continue at large. And all lunatics ordered to be confined by the proper judicial tribunals, by virtue of the

Judges of probate and judge of municipal court authorized to commit lunatics, &c.

twenty-eighth chapter of the statutes of one thousand eight hundred and sixteen, shall be committed to the custody of the superintendent of said hospital. And no tribunal, other than the judicial officers herein mentioned, shall have power to order the commitment of any lunatic to said hospital. And the person or persons applying for the commitment of any lunatic under the provisions of this section, shall first give notice in writing to the selectmen, or either of them, of the town, or to the mayor of the city, where such lunatic resides, of the intention so to apply; and satisfactory evidence that such notice has been given shall be furnished to said judges, at the time of the application as aforesaid.

Trustees appointed annually.

SEC. 4. *Be it further enacted*, That two trustees shall be appointed annually; and for that purpose, the places of the two senior trustees, as they stand arranged in their commissions, shall be annually vacated, and they shall not be again eligible until the expiration of one year from the time when their places are so vacated. And the trustees shall receive compensation for all expenses incurred in the discharge of their official duties.

Town paupers may be committed, &c.

SEC. 5. *Be it further enacted*, That town pauper lunatics may be committed to, and kept at the hospital, for a sum, in no case exceeding the actual expense incurred in their support. And as a bounty upon humane efforts for the prompt relief of poor patients, whether supported by any town or city, or not, recently attacked by insanity, the trustees are authorized to receive such patients, at their discretion, for a less sum than the actual cost of their support.

SEC. 6. *Be it further enacted*, That any two of

the trustees, or either of the justices of the supreme judicial court, or of the court of common pleas, at any term of said courts, holden within and for the county of Worcester, may discharge from confinement any lunatic committed to the hospital by judicial authority, after the cause of such confinement shall have ceased to exist, application being made therefor in writing. And a majority of the trustees shall have authority to remove to the town or city where they were resident at the time of the application for their commitment, and at the expense of such town or city respectively, any idiot, or other person, whom said trustees shall adjudge to be not dangerous, within the meaning of the law, and not susceptible of mental improvement by remedial treatment at the hospital. *Provided*, that such town or city do not, after reasonable notice, in writing, from the treasurer, take upon itself the removal of such idiot or other person as aforesaid. And the tribunals and magistrates having power to order commitments to the hospital, shall, in the order of commitment, certify the name of the town or city in which the person committed may reside at the time of the application for such commitment, and such certificate shall be conclusive evidence of the fact.

Justices of supreme judicial court and court of common pleas may discharge any lunatic, &c.

SEC. 7. *Be it further enacted*, That the accounts of the hospital, for the support of all patients committed thereto, in all cases where other and ample security is not taken, satisfactory to the trustees, shall be regularly charged to, and shall be paid by the town or city where the patient resided at the time of the application for commitment. And when any town or city shall neglect or refuse to pay whatever sum may be charged and due for the support of

Accounts, by whom paid.

any patient at the hospital, according to the by-laws, or shall be due for the removal of such patient as aforesaid, for the space of thirty days after the same shall have been demanded by the treasurer, in writing, of the selectmen of the town, or of the mayor and aldermen of the city liable therefor, the trustees shall be entitled to an action on the case, to be commenced and prosecuted in the name of the treasurer, to recover such sums against such delinquent town or city, respectively, and the declaration therein shall be in a general *indebitatus assumpsit*, and judgment shall be recovered for such sum as shall be found due, with legal interest from the time of demanding the same, and costs. And such town or city shall have the same rights and remedies against all corporations and persons, to recover such expense of supporting and removing any pauper lunatic, as if such expense had been incurred by said town or city, in the ordinary support of such lunatic.

Gaolers not to make private contract for the support of any town pauper lunatic.

SEC. 8. *Be it further enacted*, That no keeper of any gaol or house of correction shall hereafter make any private contract for the custody and support of any town pauper lunatic, within the county buildings, without the consent and approbation in writing, of the mayor and aldermen of the city of Boston, or of the county commissioners of the respective counties, under a penalty of not less than one hundred dollars, to be recovered by indictment in any court of competent jurisdiction, for the use of the Commonwealth.

Trustees to furnish pauper lunatics with clothing, &c.

SEC. 9. *Be it further enacted*, That no pauper lunatic shall be allowed to leave the hospital without suitable clothing, which the trustees are authorized to furnish, at their discretion, together

with such amount of money as they may think proper and necessary, not exceeding twenty dollars.

SEC. 10. *Be it further enacted*, That the board of trustees, for the time being, may receive any grants or devises of lands and tenements, and any donations or bequests of money or other property, in trust for the Commonwealth, to be used and improved for the maintenance of insane persons and for the benefit of the institution.

Board of trustees
may receive
grants, &c.

SEC. 11. *Be it further enacted*, That, for all the purposes contemplated in this act, except where otherwise provided, the year shall commence on the first Wednesday of February. And the third section of the sixty-second chapter of the statutes of one thousand seven hundred and ninety-seven, the one hundred and sixty-third chapter of the statutes of one thousand eight hundred and thirty-two, and the first and ninety-fifth chapters of the statutes of one thousand eight hundred and thirty-three, are hereby repealed.

Parts of former
acts repealed.

[Approved by the Governor, March 28, 1834.]

CHAP. CLI.

An Act for the Regulation of Gaols and Houses of Correction.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there shall be

Houses of Correction to be established in every county, &c.

erected or otherwise provided, by the county commissioners in every county of this Commonwealth, and by the mayor and aldermen of the city of Boston, at the charge of such county and city, a fit and convenient house or houses of correction, (where such house is not already provided,) with convenient yards, work shops, and other accommodations thereunto adjoining and belonging, to be used and employed for the keeping, correcting and setting to work of rogues, vagabonds, common beggars, and other idle, disorderly, vicious, and lowd persons. And the yards shall be laid out of sufficient dimensions for the employment of the persons confined therein, and enclosed by a fence sufficiently high and strong to prevent escapes, and all access to, or intercourse with the persons confined therein, by any person from without the prison yard. And until such house or houses of correction be provided, the common jail in each county may be used for that purpose. But all such county jails shall be surrounded with such yards and fences as are above described.

Master of house of correction to be appointed by county commissioners and city council.

County commissioners to establish rules and orders, &c.

SEC. 2. *Be it further enacted*, That the county commissioners in each county, and the city council in the city of Boston, shall appoint at their will and pleasure a suitable person, to be master of such house of correction. They shall also establish such rules and orders (not repugnant to the laws of this Commonwealth,) as may be necessary for the governing and punishing of the persons there confined. And any justice of the peace, or of any police court, or any court of common pleas, may commit unto the said house, to be kept and governed according to the rules and orders thereof, all rogues and vagabonds, and all idle persons go-

ing about in any town or place in the county begging, or persons using any subtle craft, juggling, or unlawful games or plays, common pipers, fiddlers, runaways, stubborn children, common drunkards, common night-walkers, pilferers, wanton and lascivious persons, in speech, conduct, or behavior, common railers or brawlers, such as neglect their callings or employment, mispend what they earn, and do not provide for themselves or for the support of their families, upon conviction of any of the offences or disorders aforesaid, complaint thereof having been made in writing. And it shall be the duty of the master of such house of correction, or the keeper of such gaol, to set to work all such persons as shall be duly committed as aforesaid, (if they be able,) for such time as they may continue in said house.

SEC. 3. *Be it further enacted,* That when any person shall be accused of any of the offences or disorders described in the preceding section, or shall by virtue thereof, or of any law of this Commonwealth, be liable to be committed to the house of correction in any county, or to the work house, which is now, or hereafter may be, established in any town or city : complaint shall be made in writing, under oath, to some justice of the peace, or to some police court in the county wherein such offence or disorder shall be committed ; and such justice or court shall cause the party so complained of, to be brought before him or them, by warrant or otherwise, and if, upon an examination of the matter set forth in the complaint, the allegations therein shall be proved to be true, the person or persons so convicted may be sentenced to be committed to the house of correction, or work house,

Complaints to be made in writing before justice of peace, or police court.

Parties may appeal by giving sureties.

or house of industry, as the case may be, within the county, town or city, there to be put to hard labor, according to the rules of such houses, for a term not exceeding six months, and the party so committed shall be liable to all the restraints and penalties authorized by this act. And the master or overseer of such houses of correction, or work houses, or house of industry, shall receive all such persons into the same, and employ and govern them in the manner provided by law, and the rules aforesaid. And any party convicted and sentenced as aforesaid, may, if he or she deny the charges, and put himself or herself upon trial, appeal to the next court of common pleas, within the same county, or if in the county of Suffolk, to the next municipal court therein, and have a trial by jury, in due course of law, upon recognizing with sufficient surety or sureties, in the court where he or she shall be convicted, in such reasonable sum as shall be ordered by such court, with condition that he or she enter and prosecute the appeal in like manner as other appeals from a justice of the peace, or a police court, are entered and prosecuted, and abide the sentence of the court appealed to thereon, and in the mean time keep the peace, and be of good behavior towards all the citizens of the Commonwealth; and the commission of the like offence before judgment on the appeal, by the principal in such recognizance, shall be taken to be a breach of the recognizance.

Fees.

SEC. 4. *Be it further enacted*, That justices of the peace, officers, and witnesses, shall receive the same fees for services in prosecuting any of the breaches of this act, as are allowed for similar services in other criminal complaints and proceedings,

to be allowed and paid in the same manner. And when any justice of the peace or court shall order any person to give surety or sureties to keep the peace, said justice or court shall have power to order the party so prosecuted to pay the costs of prosecution.

SEC. 5. *Be it further enacted*, That if any person shall be found committing either of the offences or disorders before enumerated, in the public streets or roads in the night time, such person may be apprehended by any magistrate, constable or watchman, or by any citizen, by order of any such officers and kept in custody in any convenient place, for the space of twenty-four hours; at or before the expiration of which time, such persons shall be carried before a justice of the peace or the police court, as the case may be, and there proceeded against as is provided in the foregoing section, or discharged as the said justice or court shall determine.

Magistrates, constables, &c. may apprehend offenders and disorderly persons.

SEC. 6. *Be it further enacted*, That the county commissioners in their respective counties, and the city council of the city of Boston, are hereby empowered to appoint two or more, not exceeding five, suitable and discreet freeholders of their county or city, to be overseers of such house, who shall see that the rules established by the county commissioners or city council, for the government of the house, and the persons therein confined are duly observed, and also examine the accounts of the keeper, with respect to the earnings of the prisoners and the expense of the institution; and they shall keep a register of all their proceedings fairly written. They shall have power to make contracts for work to be done in the house, with any person disposed to supply the materials, and to make con-

Appointment of overseers, their powers, duties, &c.

tracts for letting out any of the persons confined, to employers living, in the estimation of the overseers, conveniently near to the house of correction for the overseers or the master of the house to have the general inspection of the persons so let out and of the treatment they receive. And the overseers shall receive such reasonable compensation as the county commissioners or city council shall allow.

County commissioners and city council may remove overseers, &c.

SEC. 7. *Be it further enacted*, That said county commissioners and city council, respectively, may remove any of the overseers, and fill all vacancies. They shall also, at least semi-annually, inquire into the state of the gaol and the houses of correction, and examine the register and accounts of the overseers, masters and keepers, and make such further rules in regard to the treatment and government of the prisoners, as they shall judge necessary or proper.

Overseers may discharge persons from confinement, &c.

SEC. 8. *Be it further enacted*, That whenever it shall appear to the majority of the overseers of any house of correction, or work-house, or house of industry, that any person therein confined for either of the offences herein enumerated has reformed, and is willing to return to an orderly course of life, the overseers may discharge such person from confinement; but if the person so discharged shall afterwards be guilty of any of the offences or disorders aforesaid, the justice or court before whom the second conviction shall be had, may sentence such person to hard labor in the house of correction, or work-house, or house of industry as aforesaid, for a term not exceeding one year.

Materials for keeping prisoners at work, how provided.

SEC. 9. *Be it further enacted*, That the county commissioners in their respective counties, and the overseers of the house of correction in the city of

Boston, shall provide, at the expense of their counties, suitable materials, sufficient at all times to keep at work such as are or may be committed to the house of correction by force of any laws of this Commonwealth; and shall, from time to time, establish all necessary rules for the employment of the persons so committed, the procurement and preservation of said materials, the keeping and settling of accounts of the expense and costs of such materials, and of the labor performed by the persons committed to the said house. And the keeper of the said house shall receive such further compensation over and above the price which may be allowed him for the board of those who may be committed to his custody, as the said county commissioners or city council shall deem adequate.

SEC. 10. *Be it further enacted,* That whenever any sum shall be due to the keeper of a house of correction, for the care and expense of supporting and employing any person committed as aforesaid, which shall have been allowed and duly certified by the overseers, he shall have a right to demand and recover the same of such person, or of his parent, master or kindred, who may be liable by law to maintain him, or of the city, town, or district wherein he is lawfully settled, the net profit, if any, of the labor of such person being deducted: and if such person, parent, master, kindred, city, town or district, shall refuse or neglect to pay such sum for the space of fourteen days after the same shall have been demanded in writing, of him or them respectively, or of one of the members of the city council of Boston, or of the selectmen of the town or district, the said keeper shall be entitled to an action of the case to recover such sum

Sums due to keepers for supporting any person, how to be recovered.

against the person so committed, or his parent, kindred or master, if any he have, liable to maintain him, or against the city, town or district in which he is legally settled, in case he has not sufficient estate, nor master or kindred who are able or obliged by law to maintain him, and may declare therein in a general *indebitatus assumpsit*, and recover judgment for such sum as shall be found due with legal interest from the time of demand and costs: *provided*, that such action shall be commenced within two years from the cause thereof accruing.

Duties of keeper.

SEC. 11. *Be it further enacted*, That it shall be the duty of the keepers of the several gaols and houses of correction, to see that the buildings are constantly kept in as cleanly and healthful a condition as is practicable, and to cause the whole of the interior, including the floors, to be thoroughly whitewashed with lime, at least twice in each year, and the walls and floors of each room, when any person shall be confined therein, shall be so whitewashed once each month, between the first day of May and the first day of November, in each year, at the expense of the county. No permanent vault shall be allowed to be used in any apartment, or in any part of any gaol or house of correction, and where the same now exists, such vault shall be securely closed up. Every room occupied in either of said buildings shall be furnished with a suitable bucket, with a cover made to shut tight, for the necessary accommodation of the prisoner, which bucket shall be emptied daily, and constantly kept in good order. The keepers shall also see that strict attention is paid to the personal cleanliness of the prisoners, as far as may be, and for this purpose

shall cause the shirt of each prisoner to be washed, and himself to be shaved at least once each week ; each prisoner to be furnished daily with so much clean water as he have occasion for, either as drink, or for the purpose of keeping his person clean, and each week with a clean towel ; but no prisoner shall be allowed to wash his or her clothes in any room which shall be occupied during the night. All prisoners shall be served with their food, well cooked, in good order, and in sufficient quantity, three times each day.

SEC. 12. *Be it further enacted,* That the keeper of each gaol, and the master of each house of correction, shall furnish necessary fuel, bedding and clothing, for all prisoners unable to support themselves, who are in custody, upon charge or conviction of crimes or offences against the Commonwealth, or on mesne process, or execution, at the expense of the county where said gaol may be situated, and the charges therefor shall be allowed in manner following. Said gaol keeper or master of the house of correction shall render to the county commissioners of the county, or to the city council, as the case may be, an account of the charges for said fuel, bedding, clothing, and for the necessary furniture for the prison ; and said commissioners, or city council, shall make a reasonable allowance therefor to said keeper or master, to be paid out of the county treasury.

Keepers to furnish fuel, &c.

SEC. 13. *Be it further enacted,* That, if any person confined in any gaol or house of correction, upon charge or conviction of any crime or offence against the Commonwealth, shall be unruly or disorderly, or shall wantonly injure or destroy any article of bedding, furniture, or the windows of the gaol or

Punishment for injuring any furniture, &c.

house of correction, the sheriff of the county where such gaol may be, or the overseers of such house of correction, after due inquiry into the circumstances of the case, may order such prisoner to be kept in solitary confinement, not exceeding ten days for each offence, and to be fed with bread and water only, unless other food be necessary for the preservation of his or her health. And if any person confined on mesne process or execution, in any such gaol, shall be guilty of either of the offences in this section mentioned, and be convicted thereof before any justice of the peace, or a police court, on complaint made by the keeper of said gaol, said justice or police court may order the same punishment of solitary imprisonment, and bread and water, as above provided : but nothing herein contained shall be construed to take from the keeper of the gaol or house of correction the authority which by law is vested in him to preserve order therein, and strict discipline among the prisoners.

Sentence, where
to be executed.

SEC. 14. *Be it further enacted,* That whenever any person, convicted of any crime or offence whatever, shall be duly sentenced therefor to solitary imprisonment and confinement to hard labor, for a term not exceeding three years, such convict not having been before sentenced to a like punishment by any court of this, or any other of the United States, the court before whom conviction shall be had, may in their discretion order the sentence to be executed in the common gaol or house of correction of the county in which the offence shall have been committed. And the keeper of such gaol or house of correction, is hereby required to execute such sentence of solitary imprisonment by confining the convict in one of the cells of the gaols or house of correction, if there

be any such, and if there be not, then in the most retired and solitary part of the prison or house of correction ; and during the time of such solitary confinement, the convict shall be fed with bread and water only, unless other food shall be necessary for the preservation of his or her health ; and no intercourse shall be allowed with such convict except for the conveyance of food, and other necessary purposes.

And if any convict sentenced as aforesaid shall escape from prison, and shall be duly convicted of such escape, before any court competent to try the same, he shall be punished by confinement to hard labor within the precincts of the state prison in Charlestown, in the county of Middlesex, for the remainder of the term for which he was originally sentenced, and shall also be further punished for such escape by solitary imprisonment not exceeding ten days, and by confinement afterwards to hard labor for a term not exceeding three years, within the precincts of the state prison aforesaid. And if any other convict shall escape from any gaol or house of correction, and shall be duly convicted of such escape before any court competent to try the same, he or she shall be punished by confinement to hard labor in the house of correction, in the county in which such prison is situated, for the remainder of the term for which he or she was originally sentenced, and shall also be further punished for such escape, by solitary imprisonment not exceeding ten days, and by confinement afterwards to hard labor in the house of correction for a term not exceeding one year.

Punishment for
escaping from
prison, &c.

SEC. 15. *Be it further enacted*, That the keeper of the gaol or house of correction, to which such convict shall be committed, shall, after the expiration of the term of solitary imprisonment, furnish the con-

Keeper to furnish
convicts with
tools, materials,
&c.

vict with tools and materials to work with in any suitable manner in which his or her time can be usefully or profitably employed, either in the gaol or house of correction, or within the close yard thereof, in the day time ; and such convict may, if necessary, be confined with a log and chain, or in such other manner as shall prevent his or her escape, without unnecessarily producing bodily pain or interrupting his or her labor. And the sheriff or overseers of the house of correction shall oversee the execution of all such sentences. And the keeper of each gaol and house of correction shall make semi-annual returns respectively to the mayor and aldermen of the city of Boston, or to the county commissioners of the county in which such gaol or house of correction is situated, setting forth the names and condition of all persons in custody, and the manner in which they have been treated and employed. And if any person shall, during the time for which he or she is sentenced to hard labor, refuse or neglect, without any reasonable excuse therefor, to labor in any suitable manner, when tools and materials for that purpose are furnished as aforesaid, such convict shall, so long as he or she shall so refuse or neglect to labor, be kept in solitary imprisonment, and fed on bread and water only, in the manner before provided.

Keeper to make semi-annual returns.

Boys under 16 years of age, and females, may be sentenced to house of correction.

SEC. 16. *Be it further enacted*, That if any boy under the age of sixteen years, shall be convicted of an offence for which the punishment may, by law, be confinement to hard labor for a term not exceeding three years, such convict not having been before sentenced to a like punishment by any court of this, or of any other of the United States, or if any female shall be convicted of any offence for which the punishment may by law be confine-

ment to hard labor, such convict shall suffer the punishment of solitary imprisonment and confinement to hard labor, if thereto sentenced, in the common gaol or house of correction, in the manner provided in this act. And the keeper of every gaol or house of correction shall furnish each prisoner therein, who is capable and willing to read, with a bible, at the expense of the county ; and shall also permit any minister of the gospel who may be disposed to aid in reforming the prisoners, and instructing them in their moral and religious duties, to have access to them when in solitary imprisonment, and at all times when not employed in labor, according to the provisions of this act.

Prisoners to be furnished with bibles.

SEC. 17. *Be it further enacted,* That any person convicted before the court of common pleas, a police court, or the municipal court of the city of Boston, for any crime punishable in part or in whole by imprisonment, may be sentenced by either of said courts to imprisonment either in the common gaol or in the house of correction, at their discretion, to be employed and kept at work therein, in the same manner as other persons committed to said house. And either of said courts may sentence any person convicted before them, respectively, of an offence punishable in whole or in part by fine, to pay such fine, with the costs of prosecution. And in case he or she do not pay the same within ten days, that he or she be immediately thereafter conveyed to the house of correction, therein to be safely held, employed, and kept at work, in the same manner as other persons committed to said house, for any term of time not exceeding six months.

Persons convicted of any crime punishable in part or in whole by imprisonment, may be sentenced to house of correction.

Keeper to keep
an account of the
labor of each
prisoner, &c.

When proceeds
of labor of any
prisoner are more
than sufficient to
pay the cost of
the materials fur-
nished, &c., how
to be appropri-
ated.

SEC. 18. *Be it further enacted*, That the keeper of every gaol or house of correction shall cause to be kept a true account of the labor of every such prisoner, and of the proceeds thereof, and of the cost of the materials furnished to each prisoner, and of all other expenses attending the execution of this act; and he shall also cause to be sold the articles manufactured by the prisoners, or other produce of their labor, and keep a like account of the proceeds of such sales; all which accounts shall, from time to time, be presented to the mayor and aldermen of the city, or to the county commissioners of the county in which the gaol or house of correction is situated. And if, at the expiration of the term for which any prisoner shall have been sentenced, it shall appear that the proceeds of his or her labor are more than sufficient to pay the cost of the materials furnished, and for his or her maintenance in the gaol or house of correction, and for all other charges for the confinement and employment of such prisoner, the residue shall be paid over to such prisoner, for his or her own use. *Provided, however*, that the overseers of such house of correction, at any time during the confinement of such prisoner, when it shall appear to them that the proceeds of his or her labor are more than sufficient for the purposes aforesaid, may order the residue, or any part thereof, to be paid over to the use of the family of such prisoner, if any he or she have; and in such case, the balance only of such proceeds shall be paid to him or her, in manner aforesaid. And all charges and expenses incurred in maintaining and employing the convicts, excepting such as may be reimbursed by the proceeds of their labor, shall be paid from the county treasury,

the accounts of such gaoler or keeper of the house of correction being first settled and allowed by the mayor and aldermen of the city of Boston, or the county commissioners of the county in which such gaol or house of correction is situated : *provided*, that not more than one dollar per week be allowed for the support of any convict. And said mayor and aldermen, and said county commissioners, are hereby authorized to issue their order for the payment of the same, on the county treasurer, accordingly. And the said county treasurer shall be allowed the same in his account against the Commonwealth. And said mayor and aldermen, and said county commissioners, are hereby authorized to order such sums as may, from time to time, be necessary, to enable the gaoler or keeper of the house of correction to provide the tools, materials, or other articles required by this act, to be advanced out of the treasury of the county in which the gaol or house of correction is situated ; such gaoler or keeper of the house of correction to be accountable, in manner before mentioned, for the expenditure of the same, and to pay into the county treasury the amount of the sales and the proceeds from the labor of the prisoners under his care : *provided, however*, that no allowance shall be made to the keeper of the house of correction for the board of any prisoner who shall have been committed to said house by virtue of the provisions contained in the second section of this act, if such prisoner is of sufficient ability to support himself or herself, or has a parent, master or kindred who are able and obliged by law to maintain him or her, or has a legal settlement in any city, town or district, in this Commonwealth.

Mayor and aldermen and county commissioners to furnish gaoler with funds to provide tools, &c.

Prisoners committed for debt, to be kept apart from felons, &c.

SEC. 19. *Be it further enacted*, That it shall be the duty of every gaoler or prison keeper to keep prisoners committed for debt apart from felons, convicts, and prisoners committed upon charge of felony or other infamous crimes. And he shall also keep all minors who are committed to prison upon conviction or charge of any crime, separate from those who are notorious offenders, or who have been convicted more than once of any felony or other infamous crime, as far as the construction and state of their respective prisons will admit. But it shall not be lawful for any gaoler or keeper of a house of correction to allow two prisoners, except debtors, to occupy the same room, except for work, unless the crowded condition of the gaol or house of correction shall require it, and in no case shall a person charged with a crime be confined with a convict, or a person charged or convicted of an infamous offence with a person charged or convicted of an offence not infamous, except in the work shop while at labor, or when assembled for moral and religious instruction, at which times no communication shall be allowed between the prisoners of different classes.

Rations.

SEC. 20. *Be it further enacted*, That whenever the county commissioners, or mayor and aldermen of the city of Boston, in their respective counties, shall direct specific rations or articles of food, soap, fuel, or other necessities, to be furnished for the prisoners in any gaol or house of correction, by the keeper thereof, and said keeper shall neglect or refuse to furnish the same accordingly, or shall wilfully, negligently, or unnecessarily cause, or suffer prisoners of different descriptions to be confined and kept together, in the gaol or house of

correction under his care, contrary to the provisions of this act; or if said keeper of any gaol or house of correction shall give, sell, or deliver, or shall knowingly suffer to be given, sold or delivered to any person who has been committed to such gaol or house of correction on mesne process or execution, and who is supported by his or her creditor, or to any person charged or convicted of any crime or offence against the Commonwealth, or to any other person, for the use of any prisoner, any spirituous liquor, or mixed liquor, part of which is spirituous, or any wine, cider, or strong beer, unless the physician who is authorized to attend upon the sick in such prison, shall certify in writing that the health of such prisoner requires it, in which case he shall be allowed the quantity prescribed, and no more; said keeper of such gaol or house of correction, shall for committing either of the offences, the first time, forfeit the sum of twenty-five dollars, to be recovered in an action of debt, by any person who will sue for the same, for his own use, in any court of common pleas in the county, or by indictment in said court, in which last case the forfeiture shall be for the use of the county. And for committing either of said offences the second time, the keeper of such gaol or house of correction shall forfeit the sum of fifty dollars, to be recovered in the manner and to the uses aforesaid, and shall also be removed from his office, and be incapable of holding the office of sheriff, deputy sheriff, gaoler, or keeper of the house of correction, for the term of five years.

Penalty for suffering any prisoner to use spirituous liquors, &c.

SEC. 21. *Be it further enacted,* That if any person shall have in his possession any spirituous liquor, or any mixed liquor, part of which is spiritu-

Penalty for conveying within the precincts of the gaol, any spirituous liquor, &c.

ous; or any wine, cider, or strong beer, within the precincts of any gaol or house of correction, in this Commonwealth, with an intent to convey or deliver the same, contrary to the provisions of this act, to any prisoner confined therein, he shall forfeit and pay for each offence a sum not less than five nor more than ten dollars, with costs of prosecution, to be recovered by complaint before any justice of the peace or police court, of the same county, one moiety thereof to the prosecutor, and the other moiety to the use of the Commonwealth. And it shall not be lawful for any gaoler or keeper of any house of correction to be a seller or retailer of brandy, rum, gin, whiskey or other ardent or distilled spirit, whether he shall have obtained license therefor or otherwise.

Former acts repealed.

SEC. 22. *Be it further enacted*, That the fifty fourth chapter of the statutes of the year one thousand seven hundred and eighty-seven, and the several acts in addition thereto; the one hundred and forty-ninth chapter of the statutes of the year one thousand eight hundred and seventeen; the one hundred and twenty-third chapter of the statutes of the year one thousand eight hundred and eighteen, and the several acts in addition thereto, and the one hundred and forty-eighth chapter of the statutes of the year one thousand eight hundred and twenty-three, are hereby repealed: *saving always*, that all acts, matters and things, done pursuant to said acts, shall remain good and valid, and all officers or agents, who have been appointed and employed under the same, shall remain in their respective offices and places until others are appointed and employed in their stead: *provided*, that if any person has been guilty of a violation of any provision contained in either of the acts above mentioned, he or

she shall be liable to trial and punishment in the same manner as if this act had not been passed. And this act shall take effect on and after the first day of April next.

[Approved by the Governor, March 29, 1834.]

CHAP. CLII.

An Act in addition to the several Acts for Regulating, Governing, and Training the Militia of this Commonwealth.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the several acts for regulating, governing, and training the militia of this Commonwealth, as requires that the commanding officers of the several companies of the militia shall parade their respective companies for company discipline on any other day except that of the annual inspection in May; and so much of said several acts as requires the selectmen of the several towns to furnish blank cartridges, to be used at the reviews, by the militia of their respective towns; and also so much of said several acts as requires the commanding officers of divisions, brigades, regiments, or separate battalions, to assemble, or order the assembling of their respective commands, or any part thereof, for review and inspection once in each year, are, so far as respects the standing companies of infantry, hereby

Militia companies to be paraded on 1st Tuesday of May only.

repealed. And so much of the several acts aforesaid as requires the commanding officers of regiments or separate battalions to assemble the officers, non-commissioned officers, and musicians of their respective commands, for drill and practice once in each year; and so much thereof as provides for the repayment, from the treasuries of the several towns, and of the city of Boston, of the amount of poll taxes assessed upon, and paid by those who are enrolled in the militia and perform certain duties therein; and also so much thereof as provides for the conditional exemption from military duty of all persons between the ages of thirty and forty-five years, are hereby repealed.

Members of volunteer corps may dissolve their connexion in six months.

SEC. 2. *Be it further enacted*, That it shall be the right of every member of any volunteer corps in this Commonwealth, at any time within six months after the passage of this act, to dissolve his connexion with such company; *provided*, he shall signify, in writing, to the commanding officer of the same, his wish so to do, and shall also notify the commanding officer of the standing company within the bounds of which he may reside, that he has ceased to be a member of such volunteer corps. And it shall be the duty of the commanding officer of said standing company forthwith to enrol such person in his company.

Volunteer companies of light infantry, &c., to be arranged into regiments and battalions.

SEC. 3. *Be it further enacted*, That the several volunteer companies of light infantry, riflemen and grenadiers, in each brigade of the militia in which they shall exist in sufficient numbers, and be conveniently located for the purpose, shall be organized by the commander in chief, with the advice of the council, into regiments or separate battalions, which shall be officered in the same

manner as regiments or separate battalions of cavalry and artillery now are, and shall be reviewed in regiments, battalions or smaller bodies, as the brigadier general shall order. And whenever such companies of light infantry, riflemen or grenadiers, shall not exist in sufficient numbers, or be so located as to render such separate organization expedient, in the opinion of the commander in chief, they shall remain attached to the several regiments of infantry to which they now belong; and they shall be reviewed, as shall also the several companies of cavalry and artillery, which may be in like manner attached to regiments of infantry, by such officer or officers as shall be detailed by the brigadier general for that purpose.

SEC. 4. *Be it further enacted*, That the same duties shall be required of the several volunteer companies of militia as are now by law required of them. And there shall be paid, from the treasury of the city or town to which the members of such companies may respectively belong, the sum of three dollars annually to each member thereof: *provided*, he shall keep himself constantly armed, uniformed, and equipped, and shall perform all the active duty required by law. And it shall be the duty of the commanding officers of said companies, on or before the first day of November, in each year, to make out and certify to the mayor and aldermen of the city of Boston, or to the selectmen of the several towns, a list of all persons in their respective companies, residing within the said city or towns respectively, who have entitled themselves, during the preceding year, to the pay provided in this act. And the said mayor and aldermen or selectmen, shall, within ten days thereafter,

Volunteer companies to perform same duties as are now required.

Members to be paid \$3 annually.

City and town treasurers' duty.

examine said lists, and order the treasurer of their city or town, to pay to each person the sum to which he is entitled by the provisions of this act; and upon the refusal of any treasurer to pay the same, the persons entitled thereto shall severally have an action of the case in assumpsit, against the city or town whose treasurer shall refuse to pay the same on demand, for the recovery thereof. And if any commanding officer shall wilfully refuse to certify as aforesaid, or shall intentionally make a false certificate, or if the mayor and aldermen of the city of Boston, or the selectmen of any town, shall refuse to perform their duty as is herein provided, he or they so offending, shall forfeit and pay a sum not less than twenty, nor more than one hundred dollars, to be recovered by indictment in any court of competent jurisdiction, to the use of the person or persons injured by such neglect or misconduct. And the amount of money paid according to the provision of this act, from the treasury of any town or city, shall be reimbursed to such town or city from the treasury of this Commonwealth, upon an order drawn by the treasurer of the town or city, in form, substantially, as follows, viz. :

Penalty for neglecting to certify or pay.

To the Treasurer of the Commonwealth of Massachusetts.

**Form of order
and oath.**

Pay to _____ the sum of _____
being the amount of money paid out of the treasury of the town (or city, as the case may be) of _____
by order of the selectmen, (or mayor and aldermen) of said town, (or city) to _____
(here insert the number of persons paid) individu-

als, for militia services performed by them during the past year.

A. B. *Treasurer of*

And to the truth of the facts stated in said order, the treasurer shall make oath, before some justice of the peace, who shall certify the same upon said order.

SEC. 5. *Be it further enacted,* That all fines which shall hereafter be collected of the persons enrolled in the standing companies of infantry, shall enure, one half to the use of the clerks thereof, respectively, and the remainder to the use of the officer having command of such company at the time when such forfeitures were incurred. Fines in standing company how divided.

SEC. 6. *Be it further enacted,* That in lieu of the sums heretofore paid to the several staff officers hereinafter mentioned, there shall be annually paid to them, out of the treasury of this commonwealth, for the services required of them, the sums following, viz: to each brigade major and inspector, twenty-five dollars; to the senior aid-de-camp of each major general, twelve dollars; to the adjutant of each regiment or separate battalion, twelve dollars. Staff officers' pay.

[Approved by the Governor, March 29, 1834.]

CHAP. CLIII.

An Act respecting the Formation of School Districts.

School districts
in adjoining
towns may unite
and form one
district.

Proviso.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the passing of this act, it shall be lawful, in cases where two or more contiguous school districts, in adjoining towns, are each, in their opinion, too small profitably to sustain schools in each, for such districts to unite and form one district, having all the powers and privileges, and subject to all the requirements and liabilities, which now are, or may hereafter be created by law, in regard to school districts: *provided*, that in order to form such union of districts, at legal meetings called in each district for that purpose, a majority of the voters in the district, present and voting on the subject, shall determine to unite; and upon such votes being certified by the clerk, to the town clerk of each town, at legal town meetings called for the purpose, a majority of the voters in each town, present and voting, shall determine to permit such union. *Provided, also*, that whenever the numbers shall have increased in such united district, so that a majority of the voters, present at any legal meeting called for the purpose, and voting on the subject, shall deem it expedient to separate, and again form two or more districts, it shall be lawful for them so to do, first obtaining the consent of the respective towns, in the same manner as is required for uniting them as aforesaid.

SEC. 2. *Be it further enacted,* That the first First meeting. meeting of such united district shall be called in such manner as may be agreed upon by the respective districts, at the time of forming the union ; and at that meeting, the manner of calling future meetings shall be determined by a majority of the voters, present and voting on the subject, and shall continue, until a different manner shall be prescribed by the district, at a legal meeting called for the purpose. And it shall be the duty of such district, at the first meeting, and annually thereafterwards, to choose a prudential committee, who shall receive and expend the money raised and appropriated for said district, in each town, and generally possess all the powers, and discharge all the duties prescribed by law to be possessed and discharged by prudential committees.

SEC. 3. *Be it further enacted,* That all monies Monies voted to be raised, how to be assessed. which may be voted to be raised by such united district, pursuant to the provisions of the statutes of the Commonwealth, shall be assessed upon the polls and estates of the inhabitants of said district, and collected in the same manner that other taxes are assessed and collected. And it shall be the duty of the inhabitants of such district, at the time of voting to raise such monies, to determine what proportion shall be paid by the inhabitants of each town respectively, in proportion to their polls and estates ; and the duty of the clerk of said district to certify such vote to the assessors of each town respectively.

SEC. 4. *Be it further enacted,* That the school Duties of school committees. committees of the towns from which such united district is formed, shall discharge the duties of school committees toward the same, in alternate years, commencing, from the time of union, with the most ancient town.

Act of 1826
amended.

SEC. 5. *Be it further enacted*, That the fifteenth section of the act of one thousand eight hundred and twenty-six, chapter one hundred and forty-three, be so far amended as that the selectmen of any town shall have the power therein given, on the application, in the case provided for, of five or more of the legal voters of any school district in said town.

SEC. 6. *Be it further enacted*, That the sixteenth section of the last named act be so far amended, as that the selectmen and inhabitants of any town shall have the power therein given, on the written application of any five inhabitants of a school district in said town, who pay taxes.

[Approved by the Governor, March 29, 1834.]

CHAP. CLIV.

An Act to enable the Proprietors of Canals to Collect Tolls.

Conductors of
boats to exhibit
to the collector a
certificate, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the master or conductor of every boat which shall enter the waters of any canal, and which boat shall be laden with goods, wares, or merchandize, of any description, to be carried on said canal, shall exhibit to the collector of tolls a certificate signed by such master or conductor, wherein shall be set forth the name or names of the owner or owners of the said boat

which he conducts, the name of the place to which such boat is destined ; the weight of the respective articles laden on board such boat ; therein distinguishing each article as to quantity or weight, according to the amount of toll which the same is liable to pay.

SEC. 2. *Be it further enacted*, That if any conductor or master of any boat shall neglect or refuse to make and exhibit such certificate, as is hereinbefore required, he shall forfeit and pay to the proprietors of such canal the sum of one hundred dollars ; and if the master or conductor of any boat shall knowingly, and with intent to defraud said proprietors of tolls, make any false certificate of the kind or quantity of goods, wares, or merchandize, laden on board any boat, such conductor or master shall forfeit and pay to the proprietors of such canal the sum of one hundred dollars ; and if any owner of any boat, or any agent for such owner, or any other person, shall knowingly, and with intent to defraud said proprietors of tolls, make, or cause to be made, any false statement of the quantity or quality of goods, wares, or merchandize, laden, or to be laden on board any boat used on said canal, each owner, agent, or other person, shall forfeit and pay to said proprietors the sum of one hundred dollars. And the said penalties shall be recoverable in an action of the case in the name of the said proprietors, and to their use, in any court of competent jurisdiction.

Penalty for neglecting to make and exhibit such certificate.

Penalty for making false statement.

SEC. 3. *Be it further enacted*, That whenever any collector of tolls on any canal shall think proper to have the loading of any boat weighed, to ascertain the amount of toll payable for such loading, he shall have the right to detain such boat, and cause the goods, wares and merchandize laden on

Collector may cause the loading of any boat to be weighed.

board of her, to be weighed ; and if it shall be thereupon found that the loading of such boat does not conform to the required certificate of loading, but is greater than the quantity in such certificate set forth, the master or conductor of such boat, in addition to the penalty hereinbefore provided for, shall pay the costs and charges of unloading, weighing, and reloading the goods, wares, or merchandize, brought in said boat. But if it be found that the certificate of weight rendered is true, the said proprietors shall be liable to pay all such costs and charges, and reasonable damages for the detention of the master or conductor, and the persons employed in such boat, to be recovered in an action of the case against said proprietors, in any court of competent jurisdiction.

Proprietors to
furnish certifi-
cates.

SEC. 4. *Be it further enacted*, That the said proprietors shall cause to be prepared, at their own expense, the proper blank forms of certificates of loading, and that the masters and conductors of boats shall be entitled thereto for use, without any cost to them therefor.

[Approved by the Governor, March 29, 1834.]

CHAP. CLV.

An Act in addition to the Acts relating to Fugitives from Justice.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever application shall be made, to the governor of this Commonwealth, to demand, of the executive authority of any other state or territory of the United States, any fugitive from justice, according to the provision of the constitution and a law of the United States, the attorney general, or any other prosecuting officer of the government, being thereto required by the governor, shall, without delay, investigate the ground of such application, and furnish the governor with a statement, in writing, setting forth the circumstances of the case, together with an abstract of the evidence to be produced against the person to be apprehended, with his opinion thereon as to the expediency of demanding such person. *Provided, however,* that the governor may, in his discretion, make a demand for the apprehension of any such fugitive, without such statement, if he thinks proper so to do.

Course to be pursued by the governor of this state, on demanding from the executive of any other state, any fugitive from justice.

SEC. 2. *Be it further enacted,* That whenever a demand shall be made on the executive authority of this state, by that of any other state or territory, for the delivery over of any person charged with treason, felony, or other crime, in the state from which the demand shall be made, it shall be the

Duty of the attorney general, when a demand shall be made to the governor of this state, for any fugitive from justice.

duty of the attorney general of this Commonwealth, or of any other prosecuting officer of the government, when thereto required by the governor, to inquire into, and state in writing to the governor, the situation, condition and circumstances under which such demanded person is found, and especially whether he is holden for any and what crime or offence, under the laws of this Commonwealth, and whether he is holden under any civil process, and whether said demand is made according to law, and the said person ought to be delivered up. And the governor shall thereupon, if said demand is conformable to law, issue his warrant, under the seal of the Commonwealth, authorizing the removal and delivery of such person so demanded, to be made forthwith, or shall issue it at such future time as the said governor shall deem to be most conducive to justice, and the provisions of the constitution and law of the United States aforesaid.

[Approved by the Governor, March 29, 1834.]

CHAP. CLVI.

An Act to change the names of the persons therein mentioned.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and*
Names changed. *by the authority of the same, That William Billings of Boston, in the county of Suffolk, may take the name of William W. Billings ; that Ninian Clark, Jr.,*

of Beverly, may take the name of Augustus Ninian Clark ; that Samuel Scott of Andover, may take the name of Samuel Palmer Scott, and all of the county of Essex ; that David Balcom, 3d, of Douglas, in the county of Worcester, may take the name of David Howard Balcom ; that Achsah Ingram of Amherst, in the county of Hampshire, may take the name of Ellen A. Ingram ; that Nathaniel T. Bowdoin of Hanson, in the county of Plymouth, may take the name of Nathaniel C. Towle : and that Eunice M., the wife of said Nathaniel T. Bowdoin, may take the surname of Towle. And the several persons herein mentioned are hereby allowed to take and hereafter be known by the respective names which by this act they severally are authorized to assume.

[Approved by the Governor, March 29, 1834.]

CHAP. CLVII.

An Act concerning Merchants Accounts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all actions on accounts, which concern the trade of merchandize, between merchant and merchant, their factors or servants, shall be commenced and sued within six years next after the cause of such actions, anything in the first section of the statutes of seventeen hundred and eighty-six, chapter fifty-two, to the contrary notwithstanding.

Actions on accounts, when to be commenced.

Act, when to
take effect.

SEC. 2. *Be it further enacted*, That this act shall take effect on the first day of April, in the year of our Lord one thousand eight hundred and thirty-five.

[Approved by the Governor, March 29, 1834.]

CHAP. CLVIII.

An Act in further addition to an Act establishing the City of Boston.

School commit-
tee.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the school committee of the city of Boston shall consist of the mayor of said city (who shall be ex-officio chairman), and twenty other members, who shall be chosen at large from among the inhabitants of said city, at their annual election of municipal officers. And there shall be one member at least a resident in each ward at the time of the election.

Committee cho-
sen for the term
of two years, &c.

SEC. 2. *Be it further enacted*, That the said school committee shall be chosen for the term of two years; but, at the expiration of one year after the first election made under this act, the seats of ten of the members thereof, which shall be determined by lot, by said committee, shall be vacated, and a second election shall then be had to supply such vacancies; and the ten members chosen at such second election shall remain in office for the term of two years, and at all succeeding elections after that, a choice shall be made of ten persons to serve for two years, and of such further number of per-

sons to serve for one year as may be necessary to supply any vacancies in the remaining part of the committee. And said committee shall give notice to the mayor and aldermen of all vacancies which may happen in their board, and warrants shall be issued thereupon in the usual manner to fill the same.

SEC. 3. *Be it further enacted*, That the said school committee shall have the care, superintendence, and direction of the public schools of said city of Boston; they shall have authority to appoint the instructors of said schools, and also to remove them as the said committee shall deem expedient; and also to determine the amount of the salaries of said instructors respectively: *provided*, that in no case shall the aggregate amount of all said salaries exceed the whole sum which shall have been appropriated by the city council for such purpose, nor shall any expenditure be made, or contract, involving expenditure, be entered into by said committee, unless an appropriation shall have been first made by the city council.

Authority, &c.
of the school
committee.

SEC. 4. *Be it further enacted*, That so much of the act to which this is in addition, as is inconsistent with the provisions of this act, is hereby repealed: *provided, however*, that the present school committee of said city shall continue in office until a new committee shall be chosen under this act.

Part of former
act repealed.

SEC. 5. *Be it further enacted*, That this act shall be void, unless it shall be adopted by the inhabitants of said city of Boston, qualified to vote in city affairs, by written ballot, within ninety days from the passing thereof, at a legal meeting of said inhabitants called for that purpose.

Act when to take
effect.

[Approved by the Governor, March 29, 1834.]

CHAP. CLIX.

An Act to set off a part of the Town of Tewksbury,
and annex the same to the Town of Lowell.

Boundary line
described.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that part of the town of Tewksbury, in the county of Middlesex, lying within the following lines and bounds, namely, beginning at the mouth of Concord River, at its confluence with the Merrimack River, thence running easterly on said Merrimack River two hundred and twenty-nine rods to a large rock in said river, about two rods from the shore, embracing all that part of the Merrimack River against said line which is in the town of Tewksbury, thence running south seventeen degrees and one quarter west, four hundred and four rods to said Concord River by the mouth of a small brook emptying into the same, thence running northerly on said Concord River five hundred and fifty-three rods to the bound first mentioned, including all of said Concord and Merrimack rivers, against the lines first and lastly herein mentioned, which belonged to the said town of Tewksbury, together with all the inhabitants on the lands herein described, be and the same hereby are set off and separated from said Tewksbury, and annexed to and made a part of said town of Lowell, and that the same land and the inhabitants thereon shall be

deemed and considered as annexed to and constituting a part of said town of Lowell: *provided, however,* that said tract of land and the inhabitants thereon, set off as aforesaid, shall be holden to pay all such taxes as are already assessed or ordered to be assessed on them, by said town of Tewksbury, in the same manner as they would have been liable if this act had not been passed.

SEC. 2. *Be it further enacted,* That the inhabitants of the land set off as aforesaid, shall be holden to pay to said town of Tewksbury their proportion of the debt now due and owing by said Tewksbury, after deducting therefrom all the property and estate owned by or belonging to said town, to be ascertained, appraised and estimated by the county commissioners for the county of Middlesex; which proportion of debt, that may be found due as aforesaid, shall be assessed upon said inhabitants, and collected in the same way and manner, as taxes are by law required to be assessed and collected.

Liabilities of the inhabitants, &c.

SEC. 3. *Be it further enacted,* That of all the state and county taxes which shall be required of the town of Tewksbury, previous to a new valuation, the town of Lowell shall pay one third part thereof.

County taxes.

[Approved by the Governor, March 29, 1834.]

CHAP. CLX.

An Act to incorporate the Trustees of the First Baptist Church in Lexington.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Josiah Conant, Levi Pierce, Calvin Smith, and their successors in office, are hereby made a corporation by the name of the Trustees of the First Baptist Church in Lexington ; with all the rights and privileges, and subject to all the duties and liabilities to which similar corporations are subject by the constitution and laws of this Commonwealth.

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That said corporation shall have power to receive, hold and manage all the property, both real and personal, belonging to said church, in trust for the support and maintenance of the public worship of God in said church, and for the uses and purposes for which it may be committed to them, and may receive and hold any gift, grant, bequest, or donation, made them for the benefit of said church : *provided,* the income of all the property so to be held by them, exclusive of their meeting-house, shall not exceed one thousand dollars : *and, provided, also,* the same be appropriated only to parochial purposes.

Vacancies of
trustees, when to
be filled.

SEC. 3. *Be it further enacted,* That all vacancies of said Trustees, that may happen from death, re-

signation, or otherwise, may be filled at any annual meeting of the church in such way and manner as said church shall direct.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXI.

An Act in addition to "An Act imposing a duty on sales at Auction."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the first day of April next, the duty on sales at auction, or public vendue, of any stock, or scrip of any city, town or county of this Commonwealth, issued for the payment of the debt of such city, town or county, or of any shares, stock or scrip of any company incorporated by any law of this Commonwealth, shall be the same as by law is payable on such sales of stocks of the United States, of the several states, or of shares of the stock of incorporated banks, insurance and manufacturing companies, any thing in the act or acts to which this is in addition to the contrary notwithstanding.*

Duties on sales of stock, &c. of any city, town, or county, to be the same as that on stocks of the United States.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXII.

An Act concerning Leaseholders for Long Terms.

Lessees of real estate for the term of one hundred years or more, to be regarded as freeholders.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any lessee, and the assignee of any lessee, of real estate for the term of one hundred years or more, shall, in all cases where there is an unexpired residue of fifty years or more, of such term, be regarded as a freeholder, with all the rights, privileges, competency, authority and liabilities, incident to owners of freehold estates by virtue of any statute of this Commonwealth; and that all such unexpired residues of such terms, when mortgaged or seized on execution, or other final process, shall be subject to redemption, and be levied on in the manner that now is, or hereafter may be by law prescribed, in cases of mortgages or levies of executions, on estates in fee simple.

Unexpired residues of such terms to be regarded as real estate, &c.

SEC. 2. *Be it further enacted,* That all such unexpired residues of such terms shall be regarded as real estate, so far as respects the sale thereof, by order of any court, for the payment of the debts of a deceased or other owner thereof, or for any other purpose, and that the same proceedings shall be had, prior to such sale, which now are, or hereafter shall be by law prescribed, in regard to the sale of real estate for the payment of the debts of deceased or other persons, or for other purposes, respectively.

CHAP. CLXIII.

An Act to incorporate the Female Society of Boston and the vicinity, for promoting Christianity among the Jews.

Persons incorpo-
rated.

Personal estate.

Treasurer to
give sureties.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isabella Homes, Phebe Cutler, and Mary Bowers, their associates and successors, are hereby made a body corporate by the name of "the Female Society of Boston and the vicinity, for promoting Christianity among the Jews," with power to take, hold and possess, by subscription, gift, grant, purchase, bequest, or otherwise, personal property, not exceeding in amount, at any one time, the sum of ten thousand dollars, the funds so to be held by them, and the income thereof to be expended in printing and circulating the scriptures and other religious books, and in the advancement of such measures as may be best calculated to promote the objects of said society, as set forth in its title.

SEC. 2. *Be it further enacted,* That the treasurer of said society shall be a single woman, of the age of twenty-one years or upwards, and shall give bond with sufficient surety or sureties, to account annually, or oftener, if required by the society or the board of managers, for all money and property of said society, and in general to discharge the duties of said office with fidelity.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXIV.

An Act declaring Inhabitants of Counties to be competent Witnesses in certain cases.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in all legal proceedings commenced from and after the first day of May next, whether of a civil or criminal nature, wherein any county in this Commonwealth is, or may be a party, or interested, any inhabitant of such county shall be admissible, as a competent witness, and the deposition of any such inhabitant shall be admissible in evidence in all cases when depositions may lawfully be used: *provided*, such person be not interested, except as inhabitant of such county, and be in all other respects qualified as a witness, according to law.

Inhabitants of any county to be competent witnesses in any action wherein the county may be a party.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXV.

An Act to incorporate the First Universalist Society
in Hanson.

**Persons incorpo-
rated.** SEC. 1. **BE** *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same,* That Job Luther,
Joshua Bates, and Isaiah S. Perry, their associates
and successors, are hereby incorporated as a reli-
gious society, by the name of the First Universalist
Society in Hanson, with all the powers and privi-
leges, and subject to all the duties and liabilities by
law incident to religious societies legally estab-
lished in this Commonwealth.

Estate. SEC. 2. *Be it further enacted,* That said corpo-
ration shall have power to receive, hold and man-
age any estate to the amount of ten thousand dol-
lars : *provided,* the same be appropriated exclusively
to parochial purposes.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXVI.

An Act to Establish the District of Marshpee.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that tract of land situated in the county of Barnstable, known as the Plantation of Marshpee, excepting such parts thereof as are now annexed to the towns of Falmouth or Sandwich, for the purpose of taxation or otherwise, together with the indian and mulatto proprietors of said plantation, be, and they hereby are made a body politic and corporate, as a district, by the name of Marshpee, with all the powers and privileges, and subject to all the duties and liabilities herein provided, and necessary to carry into full effect the provisions of this act.

District of
Marshpee estab-
lished.

SEC. 2. *Be it further enacted,* That it shall be the duty of the governor, by and with the advice and consent of the council, to appoint one able and discreet person, resident in the county of Barnstable, and in the vicinity of said district, to be a commissioner of Marshpee, who shall hold his office for the term of three years, unless sooner removed by the governor and council. And the governor and council shall fill all vacancies which shall happen in said office by death, resignation, expiration of said term or otherwise. It shall be the duty of such commissioner to exercise a careful supervision over all the affairs of said district, agreeably to the provisions of this act; and shall also discharge

Governor and
council to ap-
point commis-
sioner.

and perform all the duties now required by law of the overseers of the Herring Pond Indians. And the said commissioner shall also be the treasurer of said district, and of the Herring Pond Indians, and shall give bonds to the satisfaction of the governor and council, for the faithful performance of such trust. And the said commissioner shall, on or before the first Wednesday of January, in each year, report to the governor and council, for final settlement, an account of the receipts and disbursements of the treasury, including his own charge for all necessary official services, and countersigned by the selectmen of the district, with their approval or disapproval of the same. To which report the commissioner shall subjoin a particular statement of the affairs of the district, so far as may be necessary for a full understanding of the same; and the governor shall communicate such report and statement to the legislature.

Duty of commissioner, &c.

SEC. 3. *Be it further enacted*, That it shall be the duty of such commissioner, as soon as may be, after his appointment, to issue his warrant to one of the principal proprietors of said district, requiring him to notify and warn the first meeting thereof, in such manner as he may deem proper, at which, and at all subsequent meetings of the district, it shall be the duty of such commissioner to preside, and for that purpose, he shall have all the powers of a moderator. And the meetings of said district may be held at the public meeting-house therein.

First meeting.
Legal voters.

SEC. 4. *Be it further enacted*, That the indian and mulatto proprietors of said district, including such as may be proprietors in right of a wife, and no other persons whatever, shall be qualified to vote in the elections and affairs thereof. And it shall be

the duty of said commissioner, and the selectmen, to keep a list of such voters, and from time to time to correct the same, so that it shall embrace all the male proprietors of said district, of twenty-one years of age, and upwards, and no others.

SEC. 5. *Be it further enacted,* That such Annual meeting. commissioner shall call a meeting of said proprietors, in the months of March or April, annually, in the same manner as is provided for calling the first meeting, requiring the person to whom his warrant may be directed, to give such notice of any meeting, as the said proprietors may establish, and at said first meeting, as well as at all subsequent annual meetings, the said proprietors shall, by ballot, elect a clerk and three selectmen, and one or more constables, who shall be proprietors and sworn to the faithful performance of their duty. It shall be the duty of such clerk, to keep a fair record of all the proceedings of said district, and to keep in a separate book a record of the official acts and doings of the selectmen. The selectmen shall also be the overseers of the poor, the Selectmen to be overseers of the poor. surveyors of the highways, and school committee. And these several officers shall have all the powers, and be subject to all the liabilities incident by law to their respective offices, so far as the same is consistent with the provisions of this act. Upon the application in writing, of ten or more proprietors, it shall be the duty of the commissioner to call a meeting of said district, to act upon any lawful matter set forth in such application.

SEC. 6. *Be it further enacted,* That the said Selectmen to have the care of the proprietary lands, fisheries, &c. selectmen shall have the care and management of all the proprietary lands held in common, together with the fisheries, and they may establish all need-

ful regulations and by-laws in relation thereto: *provided*, they be duly approved by the proprietors in district meeting, and also by said commissioner. And penalties may be imposed for a violation of such regulations and by-laws, in the same manner, and to the same extent, that towns may do the same, and may be recoverable by indictment, to the use of said district, in any court of competent jurisdiction. And the said selectmen shall annually make the allotments of marsh and pasture land, agreeably to the former usage of the plantation, and the residue thereof shall dispose of to the best advantage, and immediately place the proceeds thereof in the hands of the treasurer, to be held by him for the common benefit of the district, and subject to the order of the selectmen, for the purposes herein provided.

Lands heretofore
rightfully held in
severalty, con-
firmed to said
proprietors.

SEC. 7. *Be it further enacted*, That the said proprietors are hereby confirmed in the peaceable and exclusive enjoyment of all lands which they heretofore may have rightfully held and improved in severalty; and in case it shall appear to said commissioner and selectmen, that it would be for the advantage and encouragement of any proprietor to improve and hold more land in severalty, they are hereby empowered to set off to such proprietor, from the common land, so much thereof as they may deem just and proper, having reference to the rights and interests of all the proprietors. And the said commissioner shall enter upon a book, to be kept for that purpose, a description of all the several lots so held by said proprietors in severalty, together with all permanent allotments of common land, that may be made to them as aforesaid, and also all lawful grants and transfers of lands so held in severalty by said proprietors.

SEC. 8. *Be it further enacted,* That the selectmen are hereby authorized to dispose of so much of the wood upon the common lands each year, as shall be equal to the annual growth thereof, and no more, agreeably to the regulations that may be established in regard to the common lands as aforesaid, and the proceeds thereof they shall immediately pay into the treasury ; *provided, always,* that no persons other than proprietors or inhabitants of said district, shall ever cut such wood, or transport the same therefrom. And every person offending against this provision, shall be liable to indictment therefor, and, upon conviction in any court of competent jurisdiction, shall pay a fine of not less than fifty, nor more than one hundred dollars, to the use of said district.

Selectmen may dispose of wood, &c.

SEC. 9. *Be it further enacted,* That no sale or transfer of any wood standing upon the common lands of said district, shall be valid in law, unless made to a lawful proprietor ; and no person shall ever become a proprietor of said district, by operation of law, unless he be a lineal descendant of a proprietor. And upon the death of any proprietor without such descendant, all his interest in the lands of the district shall escheat to the proprietary : *provided, however,* that any proprietor of lands in severalty, may devise, or otherwise convey the same to any other proprietor.

Sale or transfer of wood not to be valid, unless made to a lawful proprietor.

SEC. 10. *Be it further enacted,* That the funds of the district shall be faithfully applied to the support of, and necessary medical attendance upon the poor of said district, the necessary repair of highways, the support of schools, and other necessary district charges. Such an amount shall be granted for these objects respectively, as the said proprie-

Funds, how to be applied.

tors, at their annual meeting, shall direct, and the commissioner approve. And all persons not belonging to said district, and liable to become a charge thereto, may immediately be removed therefrom, and committed to the house of correction, in pursuance of the provisions of the "act for the regulation of gaols and houses of correction:" *provided*, that the person so to be removed, be guilty of some one or more of the offences set forth in said act.

Contracts made by proprietors for ardent spirits, to be wholly void.

SEC. 11. *Be it further enacted*, That all contracts made by said proprietors or inhabitants for ardent spirits shall be wholly void; and any person who shall knowingly sell any spirituous liquors to said proprietors or inhabitants, other than for the purposes of medicine, as prescribed by a regular physician, shall be liable to indictment therefor, and upon conviction in any court of competent jurisdiction, shall pay a fine of not less than fifty, nor more than one hundred dollars, to the use of said district. And upon the trial of any indictment, or suit at law, touching the interests and rights of said proprietors, in their common lands, or in any fine accruing to them under the provisions of this act, they shall, notwithstanding, be competent witnesses to testify: *provided*, they are not otherwise disqualified.

Penalty for selling to proprietors ardent spirits.

Proprietors exempted from the payment of state and county taxes, &c.

SEC. 12. *Be it further enacted*, That said proprietors shall be exempt from the payment of state and county taxes; and their lands, whether held in common, or in severalty, shall not be liable to be taken in execution. And in case their bodies shall be arrested on execution, they may be admitted to the benefit of the oath of the poor debtor, notwithstanding any interest they may have in such lands, and their oath may be varied accordingly.

SEC. 13. *Be it further enacted*, That upon the appointment and qualification of the commissioner under this act, the powers and duties of the existing board of overseers, and treasurer, shall cease, and the commissioner is hereby authorized to make a full settlement with them, to receive the papers and effects belonging to the plantation, and give sufficient discharge therefor; an account of which settlement, countersigned by the selectmen of the district, with their approval or disapproval of the same, shall be returned to the governor and council, for final settlement. And all contracts made by the existing board of overseers, in relation to the management of the affairs of the plantation, shall be carried into effect, in good faith, by the commissioner and selectmen of Marshpee.

Upon the appointment of a commissioner, the powers and duties of the present board of overseers, &c., to cease.

SEC. 14. *Be it further enacted*, That all acts heretofore passed relating to the plantation of Marshpee, and the indian, mulatto, and negro proprietors and inhabitants thereof, are hereby repealed, except so far as the same may relate to the Herring Pond Indians.

Former acts repealed.

SEC. 15. *Be it further enacted*, That the legislature may, at any time hereafter, alter, amend, or repeal this act, at their pleasure, excepting so far as right of property in severalty may have been acquired under the provisions of the seventh section of this act.

Legislature may alter or repeal this act.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXVII.

An Act to Abolish Imprisonment for Debt.

No person to be arrested for any debt contracted after the 4th of July next, except in certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the fourth day of July next, no person shall be arrested, held to bail, or imprisoned on mesne process, for any debt, or demand contracted subsequently to that day, unless the plaintiff or some one of the plaintiffs, or his or their agent, shall make oath before some justice of the peace within the county, that he has a claim or claims against the debtor or debtors, which he believes to be justly due, and on which he expects to recover the sum of ten dollars or upwards, and that he has reasonable cause to believe that the defendant, for the purpose of avoiding the payment of a just demand, intends to leave and remain beyond the jurisdiction of the court having cognizance of the suit, so that he cannot be arrested on an execution, which may issue on a judgment in said suit.

Relating to taking the poor debtor's oath.

SEC. 2. *Be it further enacted,* That in any civil action founded on any debt contracted subsequently to said fourth day of July, the defendant may notify the plaintiff, or his attorney, in writing, at least seven days, if living more than fifty miles from such debtor, otherwise ten days before the sitting of the court of common pleas, where the action is brought, or if the suit is before a justice of the peace, or the



Acts inconsistent
with this act, re-
pealed.

SEC. 3. *Be it further enacted*, That all laws inconsistent with this act are hereby repealed.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXVIII.

An Act concerning the Islands and Beaches in the Harbor of Boston.

Penalty for carrying away
earth, gravel,
&c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any person shall wilfully carry away from any island within the harbor of Boston, or from any beach adjacent thereto, any earth, gravel, stone or other material composing such island or beach, without the consent of the owner thereof, the person or persons so offending shall forfeit and pay, for each offence, to the use of the Commonwealth, a sum not exceeding one hundred dollars, nor less than five dollars, to be recovered by indictment in any court competent to try the same; *provided*, that this act shall not be construed to prevent the taking of shell-fish from such islands and beaches.

Penalty for
building a fire
on Spectacle
island.

SEC. 2. *Be it further enacted*, That if any person shall wilfully build a fire on Spectacle island, in the harbor aforesaid, without the consent of the owner or owners thereof, such person shall suffer the like forfeiture, and to be recovered and appropriated in like manner as is provided in the first section of this act.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXIX.

An Act to establish the Massachusetts School Fund.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the first day of January next, all monies in the treasury derived from the sale of lands in the state of Maine, and from the claim of the state on the government of the United States for military services, and not otherwise appropriated, together with fifty per centum of all monies thereafter to be received from the sale of lands in Maine, shall be appropriated to constitute a permanent fund for the aid and encouragement of common schools: *provided*, that said fund shall never exceed one million of dollars.

Monies derived from the sale of lands in the state of Maine to be appropriated to the encouragement of common schools.

SEC. 2. *Be it further enacted,* That the investment of the monies hereby appropriated shall be made by the treasurer and receiver general, with the approbation of the governor and council first obtained.

Investment of monies.

SEC. 3. *Be it further enacted,* That the income only of said fund shall be appropriated to the aid and encouragement of common schools, and that a just and equal distribution thereof shall be made to the city of Boston and the several towns and districts in the Commonwealth in such manner as the legislature shall hereafter appoint: *provided*, that there shall never be paid to any city, town or dis-

Income only to be appropriated.

trict a greater sum than is raised therein respectively for the support of common schools.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXX.

An Act concerning Meetings of School Districts.

Meetings.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all future meetings of any school district may be convened by a warrant to be issued by the prudential committee, directed to any member of such district, and served in such manner as the said district has appointed, or may hereafter appoint, at a legal meeting thereof, for warning meetings of such district.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXXI.

An Act to authorize the Boston and Providence Rail Road Corporation to construct a Branch Rail Road to Dedham Village.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Boston and Providence Rail Road Corporation are hereby authorized to construct and complete a branch rail road from their main rail road to the village of Dedham, in the course and direction following :— beginning at station number three hundred and sixty-three of said main rail road, in Dedham, and thence proceeding in a curve, in a southwesterly direction, with a radius of thirteen hundred feet, till it strikes a point distant eighty rods from station three hundred seventy-six of said main rail road, and lying north sixty degrees west therefrom ; thence proceeding north sixty degrees west three thousand feet, to a stake in the public road, the width of the rail road to this stake being three rods ; thence north fifty degrees west five hundred feet, through land of George Byrd, two rods in width ; thence the same course twenty-four hundred feet, three rods in width ; thence the same course two hundred feet, where the road, together with the land taken for excavation, is seven rods wide ; thence proceeding southwesterly, in a curve, with a radius of four thousand feet, eleven hundred feet, the first three hundred feet being seven rods wide, and the other eight hundred feet being four

Authorized to
construct a
branch rail road.

Proviso.

Corporation to
make fences, &c.

Privileges, &c.

rods wide ; thence proceeding due west, eighteen hundred feet, the first fourteen hundred feet being six rods wide, and the last four hundred feet being three rods wide ; thence proceeding in a curve, west, a little north, with a radius of four thousand feet, eight hundred feet in distance, to a point in the new road in Dedham, opposite School street, the width in this part being three rods. In all cases, the line above described, is the centre of the rail road. *Provided, however,* that the said corporation shall obtain the consent of the town of Dedham to their making said branch road as aforesaid, and also the consent of the owners of all the lands through which said road passes, or of their guardians, in case any of them are under guardianship, before they commence the making of said road : *and provided, also,* that all damages which may arise to any person or persons, by taking any lands for said rail road, or by making said road, shall be paid by said corporation, and the payment thereof secured and enforced in the manner specified in their original act of incorporation, and in the act for defining the rights and duties of rail road corporations in certain cases.

SEC. 2. *Be it further enacted,* That said corporation shall be bound to make, and forever maintain legal and sufficient fences on the line of said branch rail road ; and in case they shall neglect so to do, they shall be liable to the owners of the adjoining lands for all damages arising from such neglect, in an action of debt, to be brought in any court proper to try the same.

SEC. 3. *Be it further enacted,* That said rail road corporation shall be entitled to all the privileges, and subject to all the duties, and the government shall have all the rights, in respect to the

road which is hereby authorized to be made, as exist in respect to the main rail road.

Road to be completed in two years.

SEC. 4. *Be it further enacted*, That if the said corporation shall not complete the said branch rail road in two years from the date hereof, then this act shall be void, otherwise it shall remain in force as long as their original act of incorporation.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXXII.

An Act to Prevent Gaming.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That upon complaint on oath by any person before any justice of the peace, or any police court, that he suspects, or hath cause to suspect, that any house or other building is used as, and for a common gaming house, for the purpose of gaming for money, or other property, and that the same is unlawfully used for that purpose, and that any idle and dissolute person or persons resort to the same, with that design, whether the names of such person or persons are known to such complainant or not, it shall be the duty of such justice of the peace or police court, to issue a warrant in due form of law, commanding the sheriff, or his deputy, or the constables of the city of Boston, or of any town within this Commonwealth, to enter into such building, and there to arrest all and every person who shall

Duty of justice of the peace or police court, when a complaint shall be made.

be there found playing for money or otherwise, and the keeper or keepers of the same, and also to take into their custody all the materials and instruments for gaming as aforesaid; and the person or persons so arrested, or all the materials or instruments aforesaid, to keep, so that the same may be forthcoming before such justice of the peace or police court, to be dealt with and disposed of according to law.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXXIII.

An Act for the more speedy recovery of damages caused by the laying out of Highways and Rail Roads.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a petition or application to county commissioners in any county, for a jury in relation to the locating, altering or discontinuing of any highway or townway, or to the estimating of damages sustained by the locating, altering or discontinuing of any such way, or to the estimating of damages sustained by the taking of land or other property by any rail road corporation, for their road, or for the proper construction and security thereof, may be sustained and acted on, though made at the same meeting of said commissioners at which such locating, altering or discontinuance is established, or at which such estimate

Petitions for juries to estimate damages occasioned by locating highways, &c., when to be acted on.

is made of the damages occasioned by taking land for a rail road, or for the proper construction and security thereof, any law to the contrary notwithstanding.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXXIV.

An Act in addition to an Act to regulate the jurisdiction and proceedings of Courts of Probate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever the probate of any last will and testament, or instrument purporting to be the last will and testament of any person deceased, shall be delayed or hindered by a suit or controversy, on account of the alleged insanity of the testator or testatrix, or for any other cause, administration upon the estate of such deceased person, to be limited in duration to the existence of such suit or controversy, and in its object to the collection of the debts and personal property of the deceased person, and the payment of his or her just debts, shall and may be granted by the several judges of probate in their respective counties, at the request of any person interested therein.

In case of a controversy relating to the last will of any person alleged to have been insane, judges of probate may grant administration.

SEC. 2. *Be it further enacted,* That the person or persons who shall receive letters of administration in virtue of this act, shall make and return to the court of probate a perfect inventory of the goods,

Persons receiving letters of administration, to return to court of probate an inventory of goods, &c.

effects, credits, and real estate, belonging to the deceased person, which shall come to the knowledge and possession of him or them, in the same manner as other administrators are required by law to do ; and it shall be his or their duty to pay and satisfy the just debts which the deceased person owed at the time of his or her decease ; and if it shall be found necessary for the purpose of paying such debts, to sell any of the property specifically devised or bequeathed by such will, the court of probate where such appointments were made, may, on petition therefor, authorize such administrators to sell and convey such parts of the property so specifically devised or bequeathed as may be necessary to pay such debts, and as shall be least injurious in his opinion, to such specific devisees and legatees, and if such will shall be proved and allowed, those specific devisees and legatees whose devises and bequests shall be so sold, shall have contribution from the other specific devisees and legatees named in said will, in proportion to the respective value of all the specific devises and bequests in said will mentioned.

Duties of limited administrators.

SEC. 3. *Be it further enacted*, That it shall be the duty of any such limited administrator or administrators, after paying all the just debts which the deceased owed at the time of his or her decease, to lay out and invest all monies which shall remain in his hands, at interest, in such public stocks or funds, or upon mortgages of real estate, as shall be designated by the judge of probate, which stocks, funds, and mortgages, shall be held and managed as a trust fund during the continuance of such administration ; and upon probate of the will of the deceased, and the granting of letters testamentary to the executor or executors named therein, or the appointment of

an administrator with the will annexed, the powers of the administrator first appointed shall cease, and it shall be his or her duty to exhibit an account of his or her administration upon oath, into the probate court, by which the appointment was made; and said probate court may order and decree that the said administrator shall pay over, transfer and deliver to the said executor or administrator with the will annexed, all the money, property, stocks, and mortgages, remaining in his hands as such administrator, and in case any will shall be established where such limited administration has been granted, and no executor or administrator with the will annexed be qualified within three months thereafter, then the administrator already appointed shall and may administer the estate according to the provisions of said will, and complete the settlement thereof.

SEC. 4. *Be it further enacted*, That all existing laws, limiting the times within which creditors may prosecute their claims against the estates, heirs, and legal representatives of persons deceased, shall begin to run and have effect from the time of granting limited administration in virtue of this act; and all suits or actions at law or in equity, which shall be depending when such limited administration shall cease, in or to which any administrator appointed under this act shall be a party, shall and may be prosecuted by or against any executor or administrator who shall have received letters testamentary or administration with the will annexed, upon the probate of such will.

Existing laws limiting the time within which creditors may prosecute their claims, when to have effect.

SEC. 5. *Be it further enacted*, That when any administrator shall be appointed in virtue of the first section of this act, the judge of probate shall so alter and vary the bond by him given, in the condition thereof, as to conform to the provisions of this act.

Judges of probate to alter the bonds of administrators appointed under this act.

When letters testamentary are granted to two or more persons, judge to take a separate bond from each.

SEC. 6. *Be it further enacted*, That in all cases, judges of probate are empowered, when they grant letters testamentary, or of administration, or letters of trust to two or more persons, to take a separate bond from each person, with sufficient sureties to each.

Bonds to be given in the court in which the persons received their appointment.

SEC. 7. *Be it further enacted*, That in all cases where bonds are required of executors, administrators, or guardians, upon the sale of real estate, such bonds shall be given in the probate courts where such executors, administrators or guardians, respectively received his, her, or their appointment.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXXV.

An Act in addition to the Act to establish the Andover and Wilmington Rail Road Corporation.

Further time of six months allowed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the further time of six months from the first day of June, in the year of our Lord one thousand eight hundred and thirty-four, be allowed to said corporation for filing with the county commissioners the location of the route of said rail road.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXXVI.

An Act concerning the Assessment of Taxes in
School Districts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in the assessment of all taxes voted to be raised pursuant to the tenth section of the statute of one thousand eight hundred and twenty-six, chapter one hundred and forty-third, all real estate and machinery belonging to manufacturing corporations, shall be taxed in the districts where the same are situated, and in assessing the shares in any manufacturing corporation for similar purposes, there shall be deducted from the value thereof the value of the machinery and real estate belonging to such corporation.

Real estate of
manufacturing
corporations to
be taxed.

[Approved by the Governor, March 31, 1834.]

CHAP. CLXXVII.

An Act for the Orderly Solemnization of Marriages.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every justice of the peace within his jurisdiction, and every minis-

Justices of the peace and ministers of the gospel may solemnize marriages, &c.

ter of the gospel within the Commonwealth, who has been ordained according to the usage of his denomination, and who is resident therein, be, and they hereby are authorized and empowered to solemnize marriages between persons who may lawfully enter into that relation, when either of the persons to be married belongs to, or is resident within the jurisdiction of said justice or minister ; but all such marriages shall be solemnized in the city, town, or district in which the person solemnizing the same may reside, or within the city, town, or district in which one or both of the persons to be married may reside.

Intentions of marriage to be published at three public religious meetings, &c.

SEC. 2. *Be it further enacted*, That all persons desiring to be joined in marriage, shall have their intentions of marriage published at three public religious meetings, on different days, at three days distance at least from each other exclusively, in the city, town or district wherein they respectively dwell, or shall have such their intentions of marriage posted up, by the clerk of such city, town or district wherein they respectively dwell, for the space of fourteen days in some public place, within the same city, town or district, fairly written, and shall also produce to the justice or minister, who may be desired to marry them, a certificate of such publishment, under the hand of the clerk of such city, town or district respectively, and also that the intentions of marriage have been entered with him fourteen days prior to the date of such certificate ; and when a male under twenty-one years, or a female under eighteen years of age, is to be married, the consent of the parent, guardian or other person under whose immediate care or government such party is, if within the Commonwealth, shall be first had to such marriage. And

in case the parties, or either of them, live in a town, district, or other place where there shall be no clerk, then publishment shall be made in manner aforesaid, in a city, town or district next adjoining, and the certificate from the clerk of such adjoining city, town or district, of such publishment, and of the entry of their intentions of marriage as aforesaid, shall be produced as aforesaid, previous to their marriage.

SEC. 3. *Be it further enacted*, That if, at any time, the banns of matrimony between any persons shall be forbidden, and the reasons thereof, assigned in writing by the person forbidding the same, be left with the city, town or district clerk, he shall forbear issuing a certificate as aforesaid, until the matter shall have been duly inquired into and determined before two justices of the same county, quorum unus: *provided*, the person forbidding the banns, shall, within seven days after filing the reasons as aforesaid, apply unto two justices as aforesaid, and procure their determination thereon, unless the said justices shall certify unto the said clerk, that a further time is necessary for their determination on the reasons filed; in which case the clerk shall forbear issuing a certificate, until the time then certified to be necessary shall expire, unless the justices shall sooner determine, according to whose determination the clerk shall govern himself herein; and if the said justices shall determine that the reasons assigned by the person forbidding the said banns were not supported by the laws of the Commonwealth, then the person so forbidding shall pay all the cost that may have arisen in consequence of such objection, and the said justices shall make up judgment, and issue execution accordingly.

When the banns of matrimony between any persons shall be forbidden, clerk not to issue a certificate.

Penalty for defacing, &c., any publishment.

SEC. 4. *Be it further enacted*, That if any person shall deface or take down any publishment in writing, posted up as aforesaid, before the expiration of the fourteen days, he shall, upon conviction thereof, forfeit and pay a sum not less than two, or more than twenty dollars, to the use of the person who shall prosecute therefor. And if any justice of the peace, or minister, shall, otherwise than is expressly allowed and authorized by this act, join any persons in marriage, they shall, upon conviction thereof, severally forfeit and pay a sum not less than fifty, nor more than one hundred dollars, one moiety thereof to the use of the county wherein the offence may be committed, and the other moiety to the use of the person who shall prosecute therefor; and in case any person whatever, not authorized and empowered to solemnize marriages by this act, shall join any persons in marriage, and be convicted thereof in any court of competent jurisdiction, upon presentment or indictment, he shall be imprisoned in the common jail, or confined to hard labor, for a term not exceeding six months, or pay a fine of not less than fifty, nor more than two hundred dollars, to the use of the Commonwealth, at the discretion of said court.

Penalty for solemnizing marriages otherwise than is allowed by this act.

Justices and ministers to keep a record of all marriages solemnized, &c.

SEC. 5. *Be it further enacted*, That every justice and minister shall make and keep a particular record of all the marriages solemnized before them respectively; and, in the month of April annually, shall make a return to the clerk of the city, town or district in which he resides, of a certificate containing the christian and surnames, and places of residence, of all the persons joined in marriage, by them respectively, within the year then last past, and also the time when, and the name of the city,

town or district, in which such marriages were respectively solemnized ; and when neither of the persons married belongs to, or is resident in the city, town or district, in which such justice or minister resides, then such justice or minister shall also make a like return of a certificate to the clerk of the city, town, or district in which one or both of the persons married may reside, within thirty days from the solemnization of the same. And any justice or minister who shall neglect to make such returns, shall, upon conviction thereof, before any court of competent jurisdiction, in the county in which he resides, forfeit and pay for each neglect a sum of not less than twenty nor more than one hundred dollars, at the discretion of said court, one moiety thereof to the use of said county, and the other moiety to the use of the person who shall prosecute for the same ; and every city, town or district clerk shall duly and seasonably record all marriages so certified to him as aforesaid.

SEC. 6. *Be it further enacted*, That all marriages which have been or may be solemnized among the people called quakers or friends, in the manner and form used and practised in their societies, shall be good and valid in law, any thing in this act to the contrary notwithstanding. And the clerk or keeper of the records of the meeting wherein such marriages shall be solemnized, shall, in the month of April, annually, make and deliver to the clerk of the city, town or district in which such society usually meet and worship, a certificate of all marriages solemnized therein, during the year then last past, as in the fifth section of this act is provided, under the penalty of not less than twenty nor more than one hundred dollars for each neglect, to be re-

Marriages solemnized by quakers and friends to be valid.

covered in the manner and to the uses as in said fifth section is provided.

Marriages heretofore solemnized, confirmed.

SEC. 7. *Be it further enacted*, That all marriages between persons who might lawfully enter into that relation, heretofore solemnized by any justice or minister, be and they hereby are confirmed and made valid in law, although such justice or minister may have exceeded his authority or jurisdiction.

Former acts repealed.

SEC. 8. *Be it further enacted*, That “an act for the orderly solemnization of marriages” (except the seventh section thereof,) passed June twenty-second, in the year of our Lord one thousand seven hundred and eighty-six; also “an act repealing a certain clause of an act for the orderly solemnization of marriages,” passed June fifteenth, in the year of our Lord one thousand seven hundred and ninety-five; also, “an act explanatory of an act for the orderly solemnization of marriages,” passed January twenty-seventh, in the year of our Lord one thousand eight hundred and eighteen; also an act in explanation of an act for the orderly solemnization of marriages, passed February twentieth, in the year of our Lord one thousand eight hundred and eighteen, and also “an act in further addition to the act for the orderly solemnization of marriages,” passed February twelfth, in the year of our Lord one thousand eight hundred and twenty-one, be, and they are hereby repealed: *provided, however*, that all marriages confirmed by, or solemnized in pursuance of the provisions of these acts, be ratified and confirmed.

SEC. 9. *Be it further enacted*, That no minister who has unintentionally violated the laws now in force, for the solemnization of marriages, shall be subjected to any penalty or punishment for that cause.

SEC. 10. *Be it further enacted*, That the provisions of this act shall go into operation on the first day of May next. Act, when to take effect.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXVIII.

An Act to continue in force for the further term of five years "An Act for the encouragement of Agriculture and Manufactures."

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That "an act for the encouragement of agriculture and manufactures," passed on the twentieth day of February, in the year of our Lord one thousand eight hundred and nineteen, be further continued, and be in force for five years from the twentieth day of February, in the year of our Lord one thousand eight hundred and thirty-four, any thing in the seventh section of said act to the contrary notwithstanding. Act continued.

SEC. 2. *Be it further enacted*, That the second section of "an act to continue in force for the term of five years an act for the encouragement of agriculture and manufactures," passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, is hereby repealed. Part of former act repealed.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXIX.

An Act to incorporate the Broad Marsh Diking Company in Ipswich.

Proprietors incorporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of a tract of marsh lying in Ipswich, in the county of Essex, known by the name of Broad Marsh, and belonging in part to the said town of Ipswich, with their heirs, assigns, or other legal representatives who may become such proprietors, are hereby made a corporation, by the name of the Broad Marsh Diking Company in Ipswich, for the purpose of making and keeping in repair forever such dikes at the eastern and western ends of said marsh, as may be necessary and sufficient to protect the same from the sea.

May make assessments for maintaining the said dikes.

SEC. 2. *Be it further enacted,* That the said company are hereby empowered to raise, by an assessment or tax, to be made and levied on all the proprietors of said marsh lying within the dikes to be made as aforesaid, such sum or sums for defraying the charges of making and maintaining the said dikes, as shall be agreed upon by the said company, assembled at any legal meeting to be called for that purpose. And such tax or assessment shall be apportioned upon such proprietors according to the number of acres or quantity of said marsh belonging to them respectively, without regard to the quality or value thereof.

SEC. 3. *Be it further enacted,* That if any proprietor of the said marsh shall neglect or refuse to pay the sum or sums of money duly assessed on him therefor, for the space of six months after such monies shall have been granted, and for the space of one month after his assessment shall have been shown to him, or a copy thereof left at his usual place of abode, then the said company are hereby empowered to sell at public vendue, to the highest bidder, so much of said delinquent proprietor's part of said marsh as will be sufficient to pay and satisfy the sum or sums assessed upon such delinquent proprietor as aforesaid, and all reasonable charges attending such sale; notice of such sale, and of the time and place thereof, being given by posting an advertisement thereof in some public place in the town of Ipswich, thirty days before the time of such sale; and the said company may, by their clerk, or a committee to be chosen for that purpose, execute a good deed or deeds of conveyance of the part of said marsh so sold unto the purchaser thereof, to hold in fee simple : *provided, nevertheless,* that the proprietor or proprietors, whose part or share shall be sold as aforesaid, shall have liberty to redeem the same at any time within twelve months after such sale, by paying the sum such part or share sold for, and charges, together with the further sum of six per centum on the amount produced by such sale.

In case of non-payment of assessments, company may sell delinquent's part of said marsh.

SEC. 4. *Be it further enacted,* That so long as said town of Ipswich shall be proprietors of any part of said marsh, the overseers of the poor in said town, for the time being, shall represent the same in the meetings of said company, unless some other person or persons shall be especially appointed for

Overseers of poor to represent town in the meetings of said company.

that object by legal vote of the inhabitants of said town.

Act, when to take effect.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force so soon as said proprietors shall signify their assent thereto, in writing, or by voting therefor, at a meeting duly called in the manner provided by law for the first meeting of corporations.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXX.

An Act providing compensation for the Judge of the Municipal Court of the City of Boston.

Judge's salary increased.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, in addition to the salary allowed to the judge of the municipal court of the city of Boston, by said city, there shall be paid to him from the treasury of the Commonwealth, every quarter of a year, the sum of three hundred and twelve dollars and fifty cents, the first quarter to be considered as having commenced on the first day of January last; and that so much of the statute of eighteen hundred and thirteen, chapter one hundred and seventy-eight, as provides for the salary of said judge, is hereby repealed: *provided*, that the compensation hereby fixed may at any time be altered or diminished by the Legislature.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXI.

An Act to incorporate the Trustees of the First Methodist Episcopal Church in Newburyport.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Enoch Huse, Charles Peabody, Benjamin Pindar, Nathaniel Pillsbury, John Dole, Benjamin Gunnison, John Dodge, Jr. and their successors, are hereby made a corporation, by the name of the Trustees of the First Methodist Episcopal Church in Newburyport, with all the powers and privileges, and subject to all the duties and liabilities to which similar corporations are subject by the constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation shall have power to receive, hold, and manage all the property, both real and personal, belonging to said church; and any gift, grant, bequest or donation, that may be made to them for the benefit of said church, shall be held in trust for the support and maintenance of the public worship of God, and for the uses and purposes for which it may be committed to them: *provided,* the income thereof shall not exceed two thousand dollars: *and provided, also,* that the same be appropriated exclusively to parochial purposes.

Real and personal estate.

SEC. 3. *Be it further enacted,* That the number of trustees of said church, as aforesaid, shall not be more than nine nor less than seven, a majority

Number of trustees.

of whom shall constitute a quorum for doing business; and all vacancies that may happen from death, resignation, or otherwise, shall be filled according to the directions given in the discipline of the Methodist Episcopal Church.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXII.

An Act making a Written Memorandum necessary to the Validity of certain Promises and Engagements.

In actions of debt, &c. an acknowledgment, or promise by words, not to be deemed sufficient evidence of a new contract, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in actions of debt, or upon the case, grounded on any simple contract, no acknowledgment or promise, by words only, shall be deemed sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of the "act for the limitation of personal actions, and for avoiding suits at law," passed on the thirteenth day of February, in the year of our Lord one thousand seven hundred and eighty-seven; or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing signed by the party chargeable thereby; and that where there shall be two or more joint contractors or executors, or administrators of any contractor, no such joint contractor, executor or

administrator, shall lose the benefit of the act above mentioned, so as to be chargeable in respect or by reason only of any written acknowledgment or promise made and signed by any other or others of them. *Provided, always,* that nothing herein contained shall alter, or take away, or lessen the effect of any payment of any principal or interest made by any person whomsoever : *provided, also,* that in actions to be commenced against two or more such joint contractors, or executors, or administrators, if it shall appear at the trial, or otherwise, that the plaintiff, though barred by the act above mentioned, or this act, as to one or more of such joint contractors, or executors, or administrators, shall, nevertheless, be entitled to recover against any other, or others, of the defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given for the plaintiff as to such defendant or defendants, against whom he shall recover, and for the other defendant or defendants against the plaintiff. Proviso.

SEC. 2. *Be it further enacted,* That if any defendant or defendants, in any action on any simple contract, shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued, and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the act above mentioned, or this act, be maintained against the other person or persons named in such plea, or of any of them, the issue joined on such plea shall be found against the party pleading the same. Pleas in abatement, &c.

SEC. 3. *Be it further enacted,* That no endorsement or memorandum of any payment, written or made after the time appointed for this act to take Payments made upon promissory notes, &c.

effect, upon any promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment shall be made, or purport to be made, shall be deemed sufficient proof of such payment, so as to take the case out of the operation of either of said acts.

Act to apply to the case of any debt alleged by way of set-off, &c.

SEC. 4. *Be it further enacted*, That the act first above mentioned, and this act, shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set-off on the part of any defendapt, either by plea, filing, or otherwise.

No action to be brought unless representation be made in writing.

SEC. 5. *Be it further enacted*, That no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such person may obtain credit, money, or goods thereupon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

Act, when to take effect.

SEC. 6. *Be it further enacted*, That this act shall commence and take effect on the first day of October next, and shall never be so construed as to have any retrospective operation.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXIII.

An Act relating to Parishes and Religious Freedom.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the rights, Privileges and immunities confirmed, &c. privileges, and immunities of the several parishes and religious societies within this Commonwealth, whether corporate or unincorporate, are hereby confirmed unto them, except so far as the same may be limited or modified by the provisions of this act, or the eleventh article of the amendments to the constitution. And the respective churches connected and associated in public worship with such parishes and religious societies, shall at all times have, use, exercise and enjoy, all their accustomed privileges, and liberties, respecting divine worship, church order and discipline, and shall be encouraged in the peaceable and regular enjoyment and practice thereof.

SEC. 2. *Be it further enacted,* That all persons Members. now belonging to any parish or religious society shall be taken and held to be members thereof, until they shall file with the clerk of such parish or society, a written notice declaring the dissolution of their membership. And no person shall hereafter become or be made a member of any parish or religious society, so as to be liable to be taxed therein for the support of public worship, or for other parish charges, without his express consent for that purpose first had and obtained.

By-laws, &c.

SEC. 3. *Be it further enacted*, That the several parishes and religious societies, at any legal meeting for that purpose, duly notified and warned, may make, ordain, and establish by-laws, prescribing the manner in which persons may become members thereof; and such other by-laws as they may deem expedient: *provided*, that such by-laws be not repugnant to the laws and constitution of the Commonwealth: *and provided, also*, that any person, who at the time of the passage of this act, shall be an inhabitant of any territorial parish, and not a member thereof, but who may formerly have been a member of the same, shall at any time within six months from the passage of this act, have a right to re-unite himself to such parish, by leaving with the clerk thereof a written notice of his intentions so to do. And any inhabitant of such territorial parish, upon arriving at full age, shall have a right to become a member of the same, by filing notice of his intentions as aforesaid, within six months from the time such inhabitant shall arrive at full age. And no person shall have a right to vote in the affairs of any territorial parish, until he shall have been a member thereof for the term of six months.

Sums voted to be raised, how assessed.

SEC. 4. *Be it further enacted*, That the several parishes and incorporated religious societies are hereby authorized to cause all sums of money, by them legally voted to be raised for the support of public worship, or for other lawful parish charges, to be assessed on the polls and estates of all the members thereof, in the same manner and proportion as state, county, or town taxes, are or shall be by law assessed: *provided*, that nothing in this act contained, shall be construed to enlarge or

diminish the powers of taxation, enjoyed by any parish or religious society by virtue of any special law, or act of incorporation ; and that no manufacturing or other corporation shall be liable to taxation for any parochial purposes, unless such corporation shall consent to be so taxed by a vote passed at a legal meeting thereof, called for that purpose.

SEC. 5. *Be it further enacted,* That in case any donation, gift or grant, shall hereafter be made to any unincorporated religious society, such society shall have like power to manage, use, and improve the same, according to the terms and conditions on which the same may be made, as incorporated societies now have, or may hereafter have by law ; to elect suitable trustees, agents or officers therefor, and to prosecute and sue, for any right which may vest in such society, in consequence of such donation, gift or grant.

Power to manage, use, and improve donations, &c.

SEC. 6. *Be it further enacted,* That any parish or religious society, may organize itself agreeably to the statute of seventeen hundred and ninety-eight, chapter ten, entitled "an act regulating parishes and precincts, and the officers thereof," and the several acts in addition thereto. And any justice of the peace, within the county in which any parish or religious society may be, which is not organized, agreeably to said acts, is hereby authorized, upon application in writing therefor, by any ten or more of the legal voters thereof, to issue his warrant for calling the first meeting of the same. And such justice shall insert in his warrant the objects of such meeting, and shall direct the same to some one of such applicants, requiring him to notify and warn the legal voters of such parish or religious society, to

Organization.

First meeting.

meet at such time and place as shall be appointed in such warrant ; and upon due return thereof, such justice shall preside at such meeting, for the choice and qualification of a clerk, who shall enter, at large, upon the records of such parish or religious society, the proceedings had in the organization thereof. And such parish or religious society may thereupon proceed to choose a moderator and all such officers, and transact all such business, as parishes are by law authorized to choose and transact, in the months of March and April, annually : *provided*, that the subject matter thereof shall be inserted in said warrant.

Powers, privileges, &c.

SEC. 7. *Be it further enacted*, That any parish or religious society, organized agreeably to the provisions herein contained, shall have all the powers and privileges, and be subject to all the duties, liabilities and requirements which incorporated parishes not territorial now have, or are subjected to, or may hereafter have or be subjected to by the general laws of this Commonwealth, with power to have, hold, manage and improve, so much estate, real or personal, as may be necessary for the appropriate objects of such organization and no more : *provided*, that all the powers derived from any such organization, may at any time be revoked by the legislature. And at all legal meetings of parishes and religious societies, the qualifications of voters shall be the same as are now required by law for voters in town affairs.

Duty of assessors.

SEC. 8. *Be it further enacted*, That it shall be the duty of the assessors of parishes and religious societies, in assessing or levying taxes for the support of public worship, and all charges incident thereto, to assess or levy the same upon all the property, both real and personal, (not exempted by law from taxation) of all the members thereof, wherever

the same may be situated within the Commonwealth, and no citizen shall be assessed or liable to pay any tax for the support of public worship or other parish charges, to any parish or religious society whatever, other than to that of which he is a member.

SEC. 9. *Be it further enacted,* That the sixth section of “an act providing for the due observation of the Lord’s day, and repealing the several laws heretofore made for that purpose,” passed the eighth day of March, in the year of our Lord one thousand seven hundred and ninety-two :—also, “an act providing for the public worship of God, and other purposes therein mentioned, and for repealing the laws heretofore made relating to this subject,” passed on the fourth day of March, in the year of our Lord one thousand eight hundred : also, all laws providing for the settlement of ministers, and the support of the public worship of God, made prior to the adoption of the constitution of this Commonwealth : also, “an act respecting public worship and religious freedom,” passed the eighteenth day of June, in the year of our Lord one thousand eight hundred and eleven : also, “an act in addition to an act entitled an act respecting public worship and religious freedom,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and twenty-four, are hereby repealed, saving and excepting any rights or liabilities that may heretofore have arisen or accrued by virtue thereof.

Former acts repealed.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXIV.

An Act for the Maintenance of Pounds, and concerning the Impounding of Cattle.

Pounds to be maintained in each town.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there shall be provided and maintained in each town, at its proper cost and charges, a sufficient pound or pounds, in such place or places therein as the town shall direct or have directed ; and each town shall, also, annually appoint a suitable person to keep each pound, wherein swine, sheep, horses, asses, mules, goats and neat cattle may be restrained and kept, for the causes hereinafter mentioned ; and any town that shall neglect to provide or maintain such pound, for the space of three months, shall forfeit and pay to the use of the county in which such town is situated, fifty dollars, to be recovered by indictment in any court competent to try the same.

Towns liable to indictment for the insufficiency of pound.

SEC. 2. *Be it further enacted,* That all pounds which are at present maintained by any town, shall be deemed to be pounds within the meaning of this act until others shall be provided in their stead, except that towns shall be liable to indictment and forfeiture as aforesaid, for the insufficiency thereof ; and all pound-keepers and field drivers heretofore legally appointed or chosen shall hold their respective offices until others shall be chosen and sworn in their stead.

SEC. 3. *Be it further enacted,* That there shall

be chosen, at the annual meeting for the choice of town officers, in each town, two or more persons for field drivers, who shall be sworn to the faithful performance of their trust.

Field drivers,
when chosen.

SEC. 4. *Be it further enacted*, That the field drivers aforesaid, within the limits of their respective towns, are hereby severally authorized and required to take up, at any time, any swine, sheep, horses, asses, mules, goats or neat cattle, going at large in the public highways or town ways, or on common and unimproved lands, and not under the care of a keeper, and restrain them in either of the pounds in such town, until the owner shall pay for the use of the field driver, fifty cents per head for all such horses, asses, mules or neat cattle, and ten cents per head for all sheep and swine, together with four cents per head for all animals of either description, besides the expense of keeping them, to the pound-keeper, whose duty it shall be to furnish them with suitable food and water: *provided*, that if the number of sheep so taken up shall exceed ten, said owner shall pay but seven cents per head to the field drivers, and two cents per head to the pound-keeper, who shall have care of the pound in which they may be restrained.

Field drivers au-
thorized to im-
pound cattle, &c.
going at large.

SEC. 5. *Be it further enacted*, That any person who shall suffer an injury in his land by sheep, swine, horses, asses, mules, goats or neat cattle belonging to another, unless the owner thereof shall be in possession of contiguous land, from which such animals shall have escaped through the neglect of the person injured to maintain his part of the division fence, may have and maintain an action of trespass *quare clausum fregit* against the owner of the same for his damages; or he may

Persons sustain-
ing injury in
their land by
sheep, &c. may
maintain an ac-
tion against the
owner of the
same.

impound and restrain the creatures doing the damage, or some of them, at his election, in one of the town pounds, or in some other place under his immediate care and inspection, as may be most convenient for relieving them with food and water, which relief it shall be the duty of the person impounding, suitably to furnish or cause to be furnished during their confinement. And the creatures so impounded shall be restrained until the owner or owners thereof shall pay the amount of damages sustained by the trespass, the expense of keeping said creatures and of advertising the same, if the same shall be advertised as is hereinafter provided, and the fees of the pound-keeper, if the impounding shall be in a public pound. And the person so impounding shall on demand state the amount of the damages and expenses which shall be claimed by him, and in case the animals shall be restrained in a town pound, he shall thereupon leave with the keeper thereof a statement of his claim for damages.

Persons impounding creatures, to notify the owner of the same.

SEC. 6. *Be it further enacted*, That whenever any of the aforesaid creatures shall be impounded for either of the causes aforesaid, the person so impounding them, shall, within twenty-four hours thereof, cause the owner or owners of said animals, or the person having the care of them, if known, and living within six miles from the place of impounding, to be notified of the fact, and of the place where said creatures shall be impounded, together with the cause thereof, which notification being delivered to the owner or keeper of said cattle or left at the usual place of abode of either of them, shall be sufficient. And when the owner of the creatures impounded, or the person having the

When the owner is unknown.

care of them, shall be unknown, or shall live more than six miles from the place of impounding, the person impounding them shall cause a notification thereof to be posted up, within twenty-four hours from the time of impounding, in a public place in the same town or district, and also in two adjoining towns or districts: *provided*, the distance to a public place in such adjoining towns shall not exceed four miles, and if the value of the creatures taken up shall exceed ten dollars, the said person shall also cause such notification to be published three weeks successively in a public newspaper in the county where the same shall be taken up: *provided*, a newspaper shall be published therein.

And if the owner or person entitled to said animals shall not appear within fourteen days from the time when said notice shall have been given, and pay all fees which shall be due on account of the impounding of said animals, the expenses of keeping and advertising the same, and the amount of damages sustained, in case the said animals shall be impounded for damage done by them, the person impounding may sell or cause to be sold the creature or creatures impounded, at public vendue, to the highest bidder, notice of such sale being posted up at some public place within said town or district, twenty-four hours before the time of sale. And the proceeds of such sale, after paying all damage, costs of impounding, keeping, advertising and selling, shall be deposited in the treasury of the same town or district, for the use of the owner of said animals, who shall be entitled to the same, in case he shall substantiate his claim thereto within two years from such sale. And the amount of said damages, costs and expenses, shall be ap-

Creatures may
be sold at public
vendue, &c.

praised by two disinterested and discreet persons, who shall be chosen and sworn to the faithful discharge of said duty by the clerk of said town or district, or by any justice of the peace, in the county in which such sale shall be made. And the said appraisers may receive from the proceeds of said sale a reasonable compensation for their services, to be included in the costs aforesaid. And the same proceedings shall be had to ascertain the amount of damages, costs and expenses, on the application of the owner of animals impounded, whenever he shall be dissatisfied with the claim of the person impounding.

Pound-keepers
may re-take any
creatures res-
cued.

SEC. 7. *Be it further enacted*, That if any of the creatures impounded as aforesaid shall escape, or shall be rescued out of the custody of the pound-keeper, or person impounding, the said pound-keeper and field-driver, or other person impounding, shall have authority to re-take and hold the same, and dispose thereof, as if no such escape or rescue had taken place.

Penalty for res-
cuing any crea-
tures.

SEC. 8. *Be it further enacted*, That if any person shall rescue, from any field-driver or person impounding, or from any pound-keeper, any of the foregoing description of animals lawfully in the custody of such field-driver, person impounding, or pound-keeper, the individual so offending shall forfeit and pay a sum not less than five, nor more than thirty dollars, to be recovered by indictment in any court competent to try the same, and shall also be liable, in an action of the case, at the suit of any person injured, to respond all damages which such person shall have sustained thereby. And if any person shall wilfully injure any pound kept and maintained by any town or district, such person

Penalty for in-
juring pound.

shall be punished by fine not exceeding fifty dollars, or by imprisonment in the common gaol not exceeding ninety days, at the discretion of the court before which the trial shall be had.

SEC. 9. *Be it further enacted,* That the act of the year seventeen hundred and eighty-eight, chapter fifty-six, entitled "an act for regulating swine," the act of the same year, chapter sixty-five, entitled "an act declaring the causes for which cattle may be impounded, the manner how they shall be proceeded with in such cases, and for preventing rescue and pound breach," the act of the year seventeen hundred and ninety-six, chapter seventy, entitled "an act for the amendment of an act for regulating swine, made and passed on the thirteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, the act of the year seventeen hundred and eighty-eight, chapter forty-four, entitled "an act to prevent damage by horses going at large," and the act of seventeen hundred and ninety-three, chapter nineteen, in addition thereto, the act of seventeen hundred and ninety-nine, chapter sixty-one, entitled "an act empowering towns to restrain cattle from running at large within their several limits," and the several acts in addition thereto, are hereby repealed, saving and excepting all vested rights which may have been obtained under said acts.

Former acts repealed.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXV.

An Act to incorporate the South Wharf Corporation in the City of Boston.

Persons incorpo-
rated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Wright, Abraham A. Dame, their associates and successors, are hereby created a body corporate, by the name of the South Wharf Corporation, and as such shall have all the powers and privileges, and be subject to all the restrictions and limitations contained in the eighty-third chapter of the statutes of eighteen hundred and thirty-three ; and said corporation may hold real estate to any amount not exceeding in value three hundred thousand dollars, and personal estate not exceeding in value thirty thousand dollars.

Corporation may
hold and possess
certain land, &c.

SEC. 2. *Be it further enacted*, That said corporation shall have authority to purchase, hold and possess, in fee simple or otherwise, any part of, or all the land, wharves and docks, lying upon the easterly side of Sea street, near the end of the free bridge, in Boston, and extending therefrom northerly not more than six hundred feet,—and also, such quantity of land and flats lying upon the opposite side of said street, as said corporation shall acquire by purchase of the rightful and lawful owners : *provided*, the whole quantity so purchased shall not exceed four hundred thousand square feet. And said corporation shall have power to sell and convey, lease, mortgage, improve, or in any way dispose of

its corporate property, or any part thereof, in such manner as the interest of said corporation may require ; and may fill up and make solid ground of its flats, and lay out streets, under the sanction of the mayor and aldermen of the city of Boston, and may erect storehouses and other buildings on said land, and repair, maintain, and improve its whole corporate property in such manner as may be most for the interest of said corporation : *provided, however,* that said corporation shall not so use or improve said corporate property as to encroach upon, or in any possible way to affect or interfere with the legal rights of the South Cove Corporation, the city of Boston, the Commonwealth, or any other person or corporation whatever.

SEC. 3. *Be it further enacted,* That said corporation may, at any legal meeting, agree upon the number of shares into which its corporate property and estate shall be divided, and upon the form of certificates of shares to be issued to the proprietors of the stock, and upon the manner and condition of transferring the same ; which shares shall be deemed and held as personal property. And said corporation shall have power to assess, from time to time, upon said shares, such sums of money as may be deemed necessary for making the improvements aforesaid ; and may sell the shares of delinquent proprietors for the payment of assessments, in such manner as said corporation may by its by-laws determine : *provided, however,* that no share in said corporation shall ever be assessed to a greater amount in all than one hundred dollars.

SEC. 4. *Be it further enacted,* That, at all meetings of said corporation, the proprietors present shall be entitled to as many votes as they shall respec-

No. of shares.

Assessments.

Votes.

tively hold shares in said corporation ; and absent members may vote by proxy authorized in writing.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXVI.

An Act for the further Prevention of Fraud and Embezzlement.

Clerk or servant who shall embezzle property received by him on account of his master, to be deemed guilty of felony.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any clerk or servant, or any person employed for the purpose, or in the capacity of a clerk or servant, shall, by virtue of such employment, receive or take into his possession any chattel, money, or valuable security, for or in the name or on the account of his master, and shall fraudulently embezzle the same, or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master, although such chattel, money, or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant, or other person so employed.

No. of acts that may be charged in the indictment, &c.

SEC. 2. *Be it further enacted,* That it shall be lawful to charge in the indictment, and proceed against the offender for any number of distinct acts of embezzlement, not exceeding three, which may have been committed by him against the same master, within the space of six calendar months

from the first to the last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to alledge the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin, or valuable security, or any portion of the value thereof, of which such amount was composed, shall not be proved; or if he shall be proved to have embezzled any piece of coin, or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

SEC. 3. *Be it further enacted,* That any person not included in the foregoing sections of this act, who shall be entrusted by another with property which now is, or hereafter shall be, by law, the subject of larceny, who shall embezzle, or fraudulently convert the same or any part thereof to his own use, or shall secrete the same, or any part thereof, with intent to convert the same to his own use, and every person aiding therein, shall be deemed, in so doing, to have feloniously stolen the same, and shall, on conviction thereof, be punished as in other cases of larceny, where the property is of the same kind and value.

Any person who shall embezzle property entrusted to him, to be deemed guilty of felony.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXVII.

An Act in addition to "An Act more effectually to Protect the Sepulchres of the Dead, and to Legalize the Study of Anatomy in certain cases."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter it shall not be lawful to locate or construct any rail road, canal, turnpike, highway, townway, or public easement whatsoever, in, upon, or through any enclosure used or appropriated for the burial of the dead, without authority to that effect, specially granted by law, or the consent of the inhabitants of the town where such enclosure is situated; and any person offending against the foregoing provisions, shall be subject to indictment in any court competent to try the same, and to imprisonment for a term not exceeding one year, or a fine, to the use of the Commonwealth, not exceeding two thousand dollars, or both of said punishments, at the discretion of the court trying the same, and according to the nature and aggravation of the offence. *Provided, nevertheless,* that the enactment shall not apply to any such rail road or other public easement already located.

Rail roads, &c.
not to be con-
structed through
any burial
ground.

Penalty.

Penalty for de-
facing tomb,
monument, &c.

SEC. 2. *Be it further enacted,* That if any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in memory of the dead; or any fence, railing, or other curb for the protection

or ornament of any tomb, monument, grave-stone, or other structure aforesaid, or of any enclosure for the burial of the dead; or shall wilfully destroy, remove, cut, break or injure any tree or shrub, placed for ornament within the limits of any such enclosure; such person so offending shall forfeit and pay, to the use of the Commonwealth, a sum not less than ten, nor more than five hundred dollars, to be recovered by indictment in any court competent to try the same.

SEC. 3. *Be it further enacted,* That it shall be lawful for the board of health, overseers of the poor, and selectmen of any town in this Commonwealth, and for the directors of the house of industry, board of health, overseers of the poor, or mayor and aldermen of the city of Boston, to surrender the dead bodies of such persons as it may be required to bury at the public expense, to any regular physician, duly licensed according to the laws of this Commonwealth, to be by said physician used for the advancement of anatomical science; preference being always given to the medical schools that now are, or hereafter may be by law established in this Commonwealth, during such portion of the year as such schools, or either of them, may require subjects for the instruction of medical students: *provided, nevertheless,* that no such dead body shall in any case be so surrendered, if within twenty-four hours from the time of its death, any person claiming to be kin or friend to the deceased, shall require to have said body interred: or if such dead body shall be the remains of a stranger, or traveller, who suddenly died before making known who or whence he was; but said dead body shall be interred, and when so interred, any person disinterring the same, for purposes of

Board of health, &c. may surrender to physicians the bodies of persons liable to be buried at the public expense.

Proviso.

dissection, or being accessory thereto, shall be liable to the punishment provided in the first section of the act to which this is an addition. *And provided, further,* that every physician so receiving any such dead body, before it shall be lawful to deliver the same to him, shall in each case give to the mayor and aldermen of the city of Boston, or to the selectmen of any town of this Commonwealth, as the case may require, a good and sufficient bond, that each body so by him received, shall be used only for the promotion of anatomical science, and that it shall be used for such purpose within this Commonwealth only, and so as in no event to outrage the public feeling; and that, after having been so used, the remains thereof shall be decently interred.

Bodies not to be surrendered in certain cases.

SEC. 4. *Be it further enacted,* That the body of no person, requesting during his or her last sickness to be interred, shall be surrendered under the provisions of the third section of this act.

Part of former act repealed.

SEC. 5. *Be it further enacted,* That the third section of the act to which this is in addition, is hereby repealed.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXVIII.

An Act to Reduce the Capital Stock of the People's Bank.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the first day of May next, the capital stock of the corporation created by an act passed on the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and thirty-three, by the name of the president, directors and company of the People's Bank, be, and the same is hereby reduced to the sum of one hundred thousand dollars.*

Capital stock reduced.

SEC. 2. *Be it further enacted, That the number of shares in said capital stock shall remain the same as now established.*

No. of shares to remain the same.

SEC. 3. *Be it further enacted, That no dividend of the capital stock of said bank, as now existing, shall be made until it shall have been proved to the satisfaction of the governor and council, or of commissioners by them appointed at the expense of said corporation, that the sum to which the said capital stock is to be reduced, is sufficient to pay all notes in circulation, and all deposits and other demands existing against said corporation; and that nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank, or by any other*

No dividend to be made, &c.

existing law. And said corporation shall be holden to pay into the treasury of this Commonwealth their proportion of the tax now required to be paid by law upon the existing capital of said bank, until the same shall be reduced as aforesaid, and all arrearages of taxes paid.

[Approved by the Governor, April 1, 1834.]

CHAP. CLXXXIX.

An Act in addition to "An Act concerning Parties in Actions at Law."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if in any action founded on debt or contract now pending, or which may hereafter be brought against two or more defendants, it shall appear at any time before final judgment therein, that any of the defendants was not a party to such contract, he shall be discharged therefrom, and shall be entitled to judgment for the like costs in the discretion of the court, as if the plaintiff had become nonsuit in said action, and the plaintiff shall thereupon be entitled to recover against any other defendant or defendants in such action, in the same manner as if such action had originally been brought against such other defendant or defendants only.

[Approved by the Governor, April 1, 1834.]

CHAP. CXC.

An Act to Regulate Institutions for Savings.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all savings banks ^{Powers, &c.} or institutions for savings, which now do, or may hereafter exist, by virtue of any statute of this Commonwealth, shall be corporations possessed of the powers and functions conferred by law upon corporations generally ; and shall be governed by the rules, and subject to the duties, restrictions, liabilities and other provisions, contained in this act.

SEC. 2. *Be it further enacted,* That the officers of every such corporation shall consist of a president, treasurer, and such number of trustees or managers, as the corporation shall agree upon, together with such other officers as may be found needful for the orderly management of the affairs of such corporation.

SEC. 3. *Be it further enacted,* That the officers ^{Officers when chosen,} aforesaid, shall be chosen at regular annual meetings of such corporations to be holden at such time as the by-laws thereof may direct, except the treasurer, who shall be appointed by the managers or trustees, and hold his office during their pleasure, and except, also, that in case of any office becoming vacant during the year, the managers or trustees may appoint a person or persons to fill the same until the same be regularly filled at the next annual meeting. And all the officers shall be duly sworn or affirmed

to the faithful discharge of their respective duties, and shall hold their several offices until others are chosen or qualified in their stead; and the treasurer shall also give bond, to the satisfaction of the managers or trustees, for the faithful discharge of his duties as treasurer.

Meetings.

SEC. 4. *Be it further enacted,* That in addition to the regular annual meetings of such corporations, special meetings thereof, may be holden at any time, on due notice, by order of the trustees or managers thereof; and it shall be the duty of the treasurer to notify a special meeting, at the requisition in writing of any ten members of the corporation; notice of all such meetings to be given by public advertisement in some newspaper of the town or county where the corporation is established, or if there be no newspaper in such town or county, then in some newspaper of the city of Boston.

Members.

SEC. 5. *Be it further enacted,* That every such corporation shall have power, at meetings legally holden, to elect by ballot any citizen of this Commonwealth to be a member thereof; and any member may withdraw from, and cease to be a member of such corporation, by filing a written notice of such intent with the treasurer of the corporation, three months at least, before the regular annual meeting; and every member shall cease to be such on removing out of the Commonwealth.

Deposites.

SEC. 6. *Be it further enacted,* That every such corporation may receive on deposit all sums of money offered for that purpose: *provided,* that it shall not hold at the same time more than one thousand dollars from any one depositor, other than a religious or charitable corporation:—said sums of

money to be invested, used, and improved for the benefit of said depositors.

SEC. 7. *Be it further enacted,* That all deposits may be invested in the stock of any bank, incorporated by a law of this Commonwealth, or of the United States : *provided*, that the whole amount of investment or security in any one bank shall not exceed one half the capital stock of said bank ; or said deposits may be deposited in any such bank on time and interest ; or said deposits may be invested in bonds or notes with collateral security of any such bank stock at not more than ninety per centum of its par value ; or they may be invested in mortgages of real estate, not exceeding in the aggregate, three quarters of the whole amount of monies held on deposit by said corporation ; or in public funds of this Commonwealth, or of the United States, whether by direct investment, or by conveyance of the property in such funds as collateral security for a loan at their par value ; or in loans to any county, city, or town in this Commonwealth.

Deposites, how to be invested.

SEC. 8. *Be it further enacted,* That if the monies held on deposit by any such corporation cannot be conveniently invested in any or all of the modes of investment herein before prescribed, then it shall be lawful to loan, not exceeding one fourth part of the amount thereof, on bonds or other personal securities, with at least one principal, and two surety promissors : *provided*, that all such parties shall be citizens of this Commonwealth.

Monies may be loaned on bonds.

SEC. 9. *Be it further enacted,* That no officers or committee of such corporation, specially charged with the duty of investing the deposits, shall borrow any portion thereof, or use the same, except in payment of the expenses of the corporation.

Officers not to borrow any portion of the deposits.

Income, how to
be divided.

SEC. 10. *Be it further enacted*, That the income or profit of all deposits shall be divided among the depositors, their executors, administrators, assigns, or other legal representatives, in just proportion, with deduction of all reasonable expenses incurred in the management thereof; and the principal deposits may be withdrawn at such time, or in such form, as the corporation shall, in its by-laws, direct and appoint.

Treasurer to
make return.

SEC. 11. *Be it further enacted*, That the treasurer of every such corporation shall, in every year, make return of the state thereof, as it was at two o'clock in the afternoon of the last Saturday of some preceding month, to be prescribed by the governor, which return shall be made to the secretary of the Commonwealth, within fifteen days after an order to that effect; and said return shall specify the following particulars, namely :

Number of depositors.

Total amount of deposits.

Amount invested in bank stock.

Amount deposited in banks on interest.

Amount secured by bank stock.

Amount invested in public funds.

Loans on mortgages of real estate.

Loans to county, city, or town.

Loans on personal securities.

Amount of cash on hand.

Total dividends for the year.

Annual expenses of the institution.

All which shall be certified and sworn to, or affirmed by the treasurer; and five or more of the trustees or managers of such corporation shall also certify and make oath or affirmation that the same is correct, according to their best knowledge and

belief. And blank forms of such return shall be furnished said corporation by the secretary of the Commonwealth, who shall prepare suitable yearly abstracts thereof, to be laid by the governor before the general court.

SEC. 12. *Be it further enacted,* That the general court may, at any time, make other or further regulations for the government of such corporations, or determine and take away their corporate powers; and all such corporations and their officers shall be subject to examination by a committee of the general court, in like manner, and under all the liabilities and penalties, provided in the seventeenth section of the "act to regulate banks and banking."

General court
may make fur-
ther regulations.

[Approved by the Governor, April 2, 1834.]

CHAP. CXCI.

An Act to establish an Institution for Savings in
Cambridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William J. Whipple, William Hilliard, Levi Farwell, their associates and successors, are hereby incorporated by the name of "the Savings Institution in the town of Cambridge," and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements, contained in the statute of one

Persons incorpo-
rated.

thousand eight hundred and thirty-four, entitled "an act to regulate institutions for savings."

[Approved by the Governor, April 2, 1834.]

CHAP. CXCH.

An Act to incorporate the Andover Institution for Savings.

Persons incorpo-
rated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas C. Foster, Abraham J. Gould, and Samuel Merrill, their associates and successors, are hereby incorporated by the name of "the Andover Institution for Savings," to be established in the town of Andover, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and requirements, contained in the statute of one thousand eight hundred and thirty-four, entitled "an act to regulate institutions for savings."

[Approved by the Governor, April 2, 1834.]

CHAP. CXCIH.

An Act to establish an Institution for Savings in
Greenfield.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elijah Alvord, Horatio G. Newcomb, and Thomas O. Sparhawk, their associates and successors, are hereby incorporated by the name of "the Franklin Savings Institution," to be established in the town of Greenfield, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements, contained in the statute of one thousand eight hundred and thirty-four, entitled "an act to regulate institutions for savings." Persons incorporated.

[Approved by the Governor, April 2, 1834.]

CHAP. CXCIH.

An Act to establish an Institution for Savings in
Nantucket.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Jones, William Mitchell, and Cromwell Barnard, their asso- Persons incorporated.

ciates and successors, are hereby incorporated by the name of "the Nantucket Institution for Savings," to be established in the town of Nantucket, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements, contained in the statute of one thousand eight hundred and thirty four, entitled "an act to regulate institutions for savings."

[Approved by the Governor, April 2, 1834.]

CHAP. CXCV.

An Act to incorporate the Hingham Institution for Savings.

Persons incorpo-
rated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Whiton, Henry Nye, Luther and J. Barnes, their associates and successors, are hereby constituted a corporation by the name of "the Hingham Institution for Savings," to be established in the town of Hingham, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the statute of one thousand eight hundred and thirty-four, entitled "an act to regulate institutions for savings."

[Approved by the Governor, April 2, 1834.]

CHAP. CXCVI.

An Act to establish an Institution for Savings in
Wellfleet.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Josiah Whitman, Richard Libby, and Ebenezer Freeman, 2d, their associates and successors, are hereby incorporated by the name of "the Institution for Savings in the town of Wellfleet," to be established in the town of Wellfleet, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements, contained in the statute of one thousand eight hundred and thirty-four, entitled "an act to regulate institutions for savings." Persons incorporated.

[Approved by the Governor, April 2, 1834.]

CHAP. CXCVII.

An Act to establish an Institution for Savings in
Scituate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel A. Turner, Anson Robbins, and Ebenezer T. Fogg, their Persons incorporated.

associates and successors, are hereby incorporated by the name of the "Scituate Institution for Savings," to be established in the town of Scituate, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements, contained in the statute of one thousand eight hundred and thirty four, entitled "an act to regulate institutions for savings."

[Approved by the Governor, April 2, 1834.]

CHAP. CXCVIII.

An Act to establish an Institution for Savings in Lexington.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Chandler, Hammond A. Hosmer, and Samuel Chandler, their associates and successors, are hereby incorporated by the name of the "Lexington Institution for Savings," to be established in the town of Lexington, and shall be entitled to all the powers and privileges and be subject to all the liabilities and requirements contained in the statute of one thousand eight hundred and thirty-four, entitled "an Act to regulate Institutions for Savings."

Persons incorporated.

[Approved by the Governor, April 2, 1834.]

CHAP. CXCIX.

An Act providing for the Collection of Bonds, Notes, and other Securities due to the Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be the duty of the treasurer of this Commonwealth, on the first Monday of May in each year, to transmit to the attorney general, or other prosecuting officer of the government, an account of all bonds, notes, and other securities in his possession and keeping, in which the Commonwealth is interested, which are due and unpaid, or on which interest is due and unpaid, or by the conditions of which the obligors or promissors ought to have accounted before that time and have neglected so to do; classing the same under distinct heads so far as conveniently may be done. And it shall be, and hereby is made the duty of the attorney general or other prosecuting officer, on the receipt of such accounts, to attend to, and enforce the collection of such monies so due, and require the settlement and accounting of such debtors, obligors, and promissors in such manner as he may believe the interests of the Commonwealth require, and with due regard to the situation of such debtors, promissors and obligors.

Treasurer to transmit to the attorney general an account of all bonds, &c.

[Approved by the Governor, April 2, 1834.]

CHAP. CC.

An Act to establish the Salary of the Attorney General.

Salary of the
attorney general
to be twelve
hundred dollars.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the first day of April, in the year of our Lord one thousand eight hundred and thirty-four, the salary of the attorney general of this Commonwealth shall be twelve hundred dollars, annually, and no more, and the same shall be paid him from the treasury of this Commonwealth quarter-yearly, in full for all his fees and services whatsoever, in behalf of the Commonwealth, and he shall account to the treasurer for all fees, costs, and money received by him in virtue of said office.

SEC. 2. *Be it further enacted,* That all acts and parts of acts inconsistent with this act, be, and the same are hereby repealed.

[Approved by the Governor, April 2, 1834.]

CHAP. CCI.

An Act Enlarging the Limits of the several Gaol Yards in this Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the limits of the several gaol yards in this Commonwealth shall be so extended as to comprehend all places within the actual boundaries of the city or town, in which such gaols are situated: provided, that nothing herein contained shall be construed to affect, in any manner, the rights of any person owning real estate, within such limits; nor to affect any suit wherein final judgment has been rendered by the supreme judicial court of this Commonwealth.*

Limits of the
gaol yards ex-
tended.

[Approved by the Governor, April 2, 1834.]

CHAP. CCII.

An Act in addition to an Act to provide a Salary for the County Attorney for the County of Suffolk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after*

Salary increased. the fifth day of January last past, there shall be allowed and paid, out of the treasury of the county of Suffolk, to the attorney of the Commonwealth within and for said county, annually, the sum of six hundred dollars, in addition to his salary now established by law ; and that the same shall be paid quarter-yearly, the first payment to be made on the fifth day of April, in the year of our Lord one thousand eight hundred and thirty-four.

[Approved by the Governor, April 2, 1834.]

CHAP. CCIII.

An Act in addition to "An Act to Regulate Banks and Banking."

Banks not to
make certain
loans, or grant
discounts, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the first day of October next after the passing of this act, no bank which hath received, or shall receive, a charter from, or by the authority of this Commonwealth, shall directly or indirectly make any loan, or grant any discount, which loan, or the proceeds of which discount, or any part thereof, shall be paid by such bank, in or by any book, note, bill, check, draft, acceptance, facility, entry in account, or certificate for money, payable subsequent to the time of making or issuing the same, or payable at a future day, or bearing interest ; and no such bank shall, from and after said first day of Oc-*

tober next, borrow any sum or sums of money from any individual or corporation, except savings institutions, on time, or to be repaid at a future day.

Banks not to borrow money on time, except from savings institutions.

And every book, note, bill, check, draft, acceptance, facility, entry in account, or certificate, that shall be so made or issued by any such bank, in the case of any such loan or discount, or for money borrowed by them as aforesaid, from and after the said first day of October next, and the contract on which the same shall be made, shall be void. *Provided, always,* that nothing herein contained shall be deemed or held to repeal or suspend any part of the act to which this is in addition, concerning the borrowing of money by banks, or the issue by them of any note, bill, check, draft, facility, or certificate payable at a future day, or bearing interest: *and provided, also,* that debts due to any bank from any other bank, including bills of the bank so indebted, may lawfully draw interest.

SEC. 2. *Be it further enacted,* That debts due to any bank in this Commonwealth from any other bank, including bills of the bank so indebted, shall not be deemed debts due to a bank within the intent and meaning of the fifth section of the act to which this is in addition: *provided,* that nothing herein contained shall authorize the amount of debts, which any banking corporation shall at any time owe, to exceed twice the amount of its capital stock actually paid in, exclusive of sums due on account of deposits not bearing interest.

Debts due to a bank, from any other bank, &c.

SEC. 3. *Be it further enacted,* That it shall be the duty of the secretary of this Commonwealth, from time to time, at the next session of the legislature, after he shall have received from the several banks the returns required by law, to submit the

Secretary to submit the returns from the banks to the committee on banks and banking.

same to the committee on banks and banking, for the time being, whose duty it shall be carefully to examine every such return, and to report in writing to the legislature all violations of law, shown by any of such returns, and the name of every bank which shall appear by its return to have exceeded any of the powers granted to such bank, or to have violated or failed to comply with any of the rules, restrictions, or conditions, provided in any of the laws of this Commonwealth concerning banks or banking.

Acts inconsistent
with this act re-
pealed.

SEC. 4. *Be it further enacted,* That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, April 2, 1834.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, MAY 1, 1834.

I HEREBY CERTIFY, that I have compared the printed copy of Acts contained in this Pamphlet with the Original Acts passed by the Legislature in January, February, March, and April last, and find the same to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

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TO THE LAWS

PASSED IN

JANUARY, FEBRUARY, MARCH, AND APRIL.

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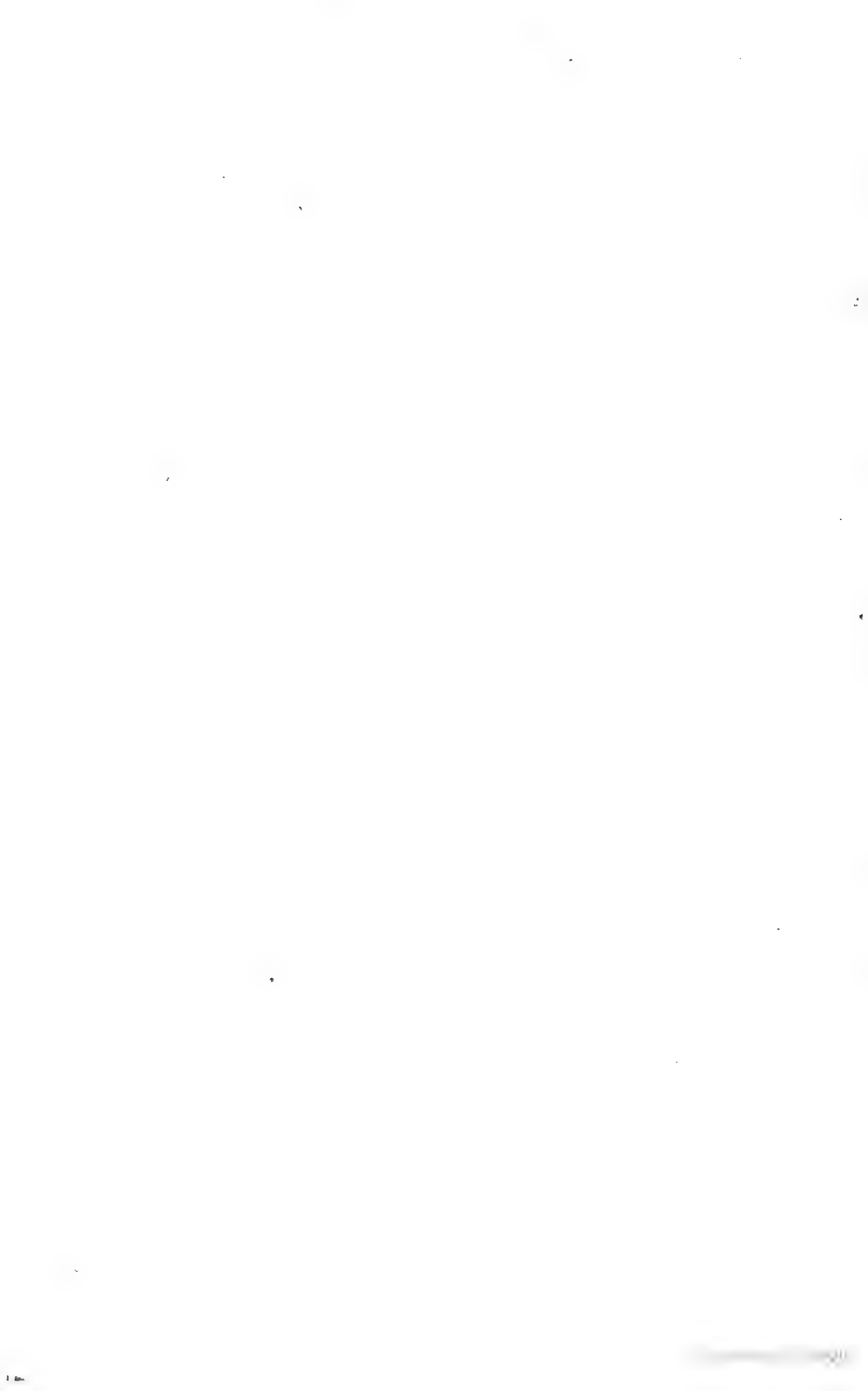
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L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION WHICH COMMENCED ON WEDNESDAY, THE SEVENTH OF JAN-
UARY, AND ENDED ON WEDNESDAY THE EIGHTH OF APRIL, ONE THOUSAND
EIGHT HUNDRED AND THIRTY-FIVE.

Published agreeably to a Resolve of the sixteenth January, 1812.



Boston:

DUTTON & WENTWORTH, PRINTERS TO THE STATE.

.....
1835.

To Father, the Rev. Mr. [illegible]
 Rev. Mr. [illegible]

Rev. H. C. ...

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OF THE

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AT THEIR SESSION WHICH COMMENCED ON WEDNESDAY, THE SEVENTH
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APRIL, ONE THOUSAND EIGHT HUNDRED AND
THIRTY-FIVE.

CHAP. I.

An Act to confer additional powers on the Fire Department in New Bedford.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Board of Firewards of the town of New Bedford shall be authorized to expend such sums of money as they may deem necessary for the annual repairs of the engines and other fire apparatus belonging to that town; and any sum not exceeding three hundred

Money to be expended for repairs.

dollars per annum, at their discretion, for alterations and additions thereto

[Approved by the Governor, January 30, 1835.]

CHAP. II.

An Act to alter a Term of the County Commissioners in the County of Plymouth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Term of the County Commissioners for the County of Plymouth, now holden on the second Tuesday of December, shall hereafter be holden on the first Tuesday of January, annually.

[Approved by the Governor, January 30, 1835.]

CHAP. III.

An Act to incorporate the Beverly Academy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elliott Woodbury, Josiah Lovett, 2d, Michael Whitney, all of Beverly, in the county of Essex, their associates and succes-

Persons incorpo-
rated.

sors, are hereby incorporated by the name of the Beverly Academy, to be established in the town of Beverly, with all the powers and requirements contained in "the statute of eighteen hundred and thirty-three, chapter eighty-three, concerning corporations."

SEC. 2. *Be it further enacted*, That the said corporation shall be seized of, and hold a lot of land containing about forty-six poles, situated on Washington street, in said Beverly, and measuring seventy-six feet on said street, with the school-house thereon, and shall have power to hold any other real and personal estate, not exceeding in value the sum of twenty thousand dollars, to be devoted exclusively to the purposes of education.

Real and personal estate.

[Approved by the Governor, January 30, 1835.]

CHAP. IV.

An Act in addition to an "Act concerning the State Lunatic Hospital."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the fourth section of the statute of the year one thousand eight hundred and thirty-four, chapter one hundred and fifty, be so far amended, as that five trustees of said hospital shall be appointed annually, and that the senior trustee, as the names of said trustees shall stand arranged in their commission, shall not be

Trustees to be appointed annually.

again eligible until the expiration of one year from the time when his place was vacated.

[Approved by the Governor, February 2, 1835.]

CHAP. V.

An Act in addition to "an Act to incorporate the Dartmouth Bridge Company."

Further time allowed to complete bridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a further time of one year, from and after the eighth day of February, in the year of our Lord one thousand eight hundred and thirty-five, be allowed the Dartmouth Bridge Company, to complete the bridge which they are authorized to build, by the act to which this is in addition.

[Approved by the Governor, February 7, 1835.]

CHAP. VI.

An Act to incorporate the Essex Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles Tread-

well, David Pingree, and James Devereux, their associates, successors and assigns, are hereby incorporated, by the name of the Essex Insurance Company, to be established in the town of Salem, for the purpose of making maritime loans, and insurance against maritime losses, and losses by fire, in the customary manner, with all the privileges, and subject to all the duties, and obligations, contained in the one hundred and twentieth chapter of the statutes of eighteen hundred and seventeen, and in the one hundred and forty-first chapter of the statutes of eighteen hundred and nineteen, and also the ninety-fifth chapter of the statutes of eighteen hundred and thirty-two, severally defining the duties and powers of insurance companies, for and during the term of twenty years, after the passing of this act.

Persons incorporated.

SEC. 2. *Be it further enacted*, That said corporation may purchase, hold and convey, any estate real or personal, for the use of said company: *provided*, that the real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

May hold real and personal estate.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint.

Amount of capital stock :—to be divided into shares.

[Approved by the Governor, February 21, 1835.]

CHAP. VII.

An Act to incorporate the Third Baptist Society in Springfield.

**Persons incorpo-
rated.** SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph K. Marshall, William Green, and Smith Mudgett, their associates and successors, are hereby made a corporation, by the name of the Third Baptist Society in Springfield, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

**May hold real
estate to value of
ten thousand dol-
lars, for parochial
purposes.** SEC. 2. *Be it further enacted,* That said corporation shall have power to hold and manage any estate to the value of ten thousand dollars: *provided,* the same be appropriated exclusively to parochial purposes. **To be divided
into shares.** And said corporation may divide its estate into shares, the number of which shall not be less than fifty, nor more than one hundred; and may make assessments on each share not exceeding fifty dollars.

**Entitled to one
vote for each
share.** SEC. 3. *Be it further enacted,* That, at all meetings of said corporation, each proprietor shall be entitled to one vote for each share owned by him; and absent members may vote by proxy in writing: *provided,* that no proprietor shall be entitled to more than ten votes.

[Approved by the Governor, February 21, 1835.]

CHAP. VIII.

An Act to incorporate the South Boston Fire and Marine Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Josiah Dunham, Persons incorporated. John H. Bird, and William B. Dorr, their associates, successors and assigns, are hereby made a corporation, by the name of the South Boston Fire and Marine Insurance Company, to be located in that part of the city of Boston, known as South Boston, for the purpose of making loans and insurance against fire and marine losses in the customary manner, with all the privileges, and subject to all the duties and obligations, contained in the one hundred and twentieth chapter of the statutes of the year eighteen hundred and seventeen, and the ninety-fifth chapter of the statutes of the year eighteen hundred and thirty-two, severally defining the powers and duties of insurance companies, for and during the term of twenty years from and after the passing of this act.

SEC. 2. *Be it further enacted,* That the capital Capital stock. stock of said company shall be one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint; and they Real and personal estate. may purchase and hold, and convey, any estate, real

or personal, for the use of said company: *provided*, the real estate shall not exceed the value of twenty-five thousand dollars, except such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 3. *Be it further enacted*, That the president, and at least two-thirds of the directors, shall be resident in said South Boston.

SEC. 4. *Be it further enacted*, That said company shall not take a greater amount on any one risk, than eight per cent. on its capital stock.

[Approved by the Governor, February 26, 1835.]

CHAP. IX.

An Act in addition to an Act to incorporate the
Middlesex Mechanics' Association.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Middlesex Mechanics' Association shall have power to purchase, hold and enjoy real estate to the amount of ten thousand dollars, in addition to the twenty thousand dollars granted in their act of incorporation, and the same to alienate and manage as they may see fit, subject to the provisions and limitations contained in the second and third sections of the statute of the year one thousand eight hundred and twenty-five, chapter twenty-seven.

Real and personal estate.

[Approved by the Governor, February 26, 1835.]

CHAP. X.

An Act to establish a Fire Department in the town of Worcester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the selectmen of the town of Worcester are authorized, and it shall be their duty, in the month of April in each year, to appoint as many engineers for their fire department as they may think expedient: *provided*, such number so appointed shall not exceed twelve, who shall hold their offices for one year from and after the first day of May next succeeding, and until others are appointed in their places. The said selectmen are authorized and required to fill any vacancies in the said office of engineer, and the said engineers shall possess the same authority and exercise the same powers in relation to the extinguishment of fires as firewards do, by law, possess and exercise.

Selectmen to appoint Engineers.

To fill vacancies.

SEC. 2. *Be it further enacted,* That the said selectmen, immediately after the appointment of said engineers shall have been made, shall issue a warrant to one of their number, requiring him to notify a meeting of the board of engineers, at such time and place as shall be designated in such warrant, at which meeting the said engineers shall elect from their number, a chief engineer, a clerk, and such other officers as they may deem necessary for their more complete organization.

To issue a warrant.

Engineers to appoint enginemen.

SEC. 3. *Be it further enacted*, That the said engineers be, and they are hereby authorized and required to exercise all the powers, and perform all the duties in relation to the nomination and appointment of enginemen, which the selectmen of said town have been heretofore by law authorized and required to exercise and perform, and said engineers, and all persons appointed by them pursuant to this act, shall be subject to the same duties, and entitled to the same privileges and exemptions, as enginemen are subjected and entitled to, when appointed by the selectmen: *provided, however*, that they shall not be exempted from military duty unless they shall produce to the commanding officer of the company, within whose bounds they reside, in the month of May in each year, certificates of their appointment, signed by the chief engineer, or by the clerk of the board of engineers.

Exempted from military duty on producing certificate.

Engineers authorized to appoint men to the engines, &c.

SEC. 4. *Be it further enacted*, That the said engineers be, and they are hereby authorized and empowered to appoint such number of men to the engines, hose, hook and ladder carriages, and to constitute a company for the securing of property when endangered by fire, as they shall think expedient: *provided*, that the number of men appointed to each and every hydraulion or engine with suction hose shall not exceed fifty men; to each common engine, thirty-five men; to each hose carriage, five men; to the hook and ladder carriages, twenty-five men; and to the fire company, twenty-five men: also to appoint three men as assistant engineers, who shall exercise such supervising control and authority relative to the operations for extinguishing fires, and to the inspection and preservation of the fire apparatus belonging to said town, as the board of engineers may, from time to time, delegate to

them; and the said engine, hose, hook and ladder carriage men, and fire company, are authorized to organize themselves into distinct companies, to elect captains, clerks, and other necessary officers, to establish such rules and regulations as may be approved by the board of engineers, and to annex penalties to the breach of the same, which may be sued for, and recovered, by the clerk of any company so organized, before any court of competent jurisdiction, to be appropriated to the use of such company: *provided*, that no penalty shall exceed the sum of ten dollars: and, *provided further*, that such rules and regulations be not repugnant to the constitution and laws of this Commonwealth.

Fines may be sued for.

SEC. 5. *Be it further enacted*, That the said board of engineers shall have the care and superintendence of the public engines, hose, fire-hooks, ladder carriages and ladders, together with the buildings, fixtures and appendages thereto belonging, and all the pumps, reservoirs for water, and all apparatus owned by the town of Worcester, and used for extinguishing fires, and shall cause the same to be kept in repair, and when worn out, to be replaced, and from time to time shall make such alterations therein and additions thereto, as they shall deem necessary: *provided*, such alterations, additions or repairs shall not exceed in any one year, the sum of one hundred dollars, unless said town of Worcester shall have authorized a larger appropriation.

Engineers to have the superintendence of the public engines, &c.

SEC. 6. *Be it further enacted*, That the said board of engineers, at any meeting thereof, may establish such rules and ordinances as they may judge proper, to prohibit or regulate the carrying of fire, firebrands, lighted matches, or any other ignited materials, openly in the streets or thoroughfares of said

Engineers to establish rules and ordinances.

town, or in such parts thereof, as they may designate, and to prohibit any owners or occupants of any building within said town, or such parts thereof as such board may designate, from erecting or maintaining any defective chimney, hearth, oven, stove or stove-pipe, fire-frame or other fixture, deposit of ashes, or any mixture or other material which may produce spontaneous combustion, or whatever else may give just cause of alarm, or may be the means of kindling or spreading fires. And the said board of engineers may also, from time to time, make and ordain rules and regulations for their own government, and for the conduct of citizens, present at any fire, and may annex penalties for the breach of any rule, regulation or ordinance, which they may have deemed expedient to make, not exceeding twenty dollars for any one breach thereof; and the same may be prosecuted for, and recovered by the chief engineer in his own name, before any court of competent jurisdiction, and all penalties so recovered shall be appropriated by said engineers to the improvement of the fire apparatus of said town: *provided*, such rules, regulations and ordinances, shall not be repugnant to the constitution and laws of the Commonwealth, and shall not be binding until the same shall have been approved by the inhabitants of said town, in legal meeting held for that purpose, and published in some newspaper printed in said town of Worcester.

Penalties.

Act when to take effect.

SEC. 7. *Be it further enacted*, That all laws inconsistent with the provisions of this act, be and hereby are repealed, so far as they may apply to said town of Worcester, and that the provisions of this act shall not take effect until the same shall have been accepted by a majority of the inhabitants of said

town, qualified to vote in town affairs, at a meeting legally notified for that purpose, and shall continue in force until modified or repealed by the Legislature of this Commonwealth.

[Approved by the Governor, February 26, 1835.]

CHAP. XI.

An Act limiting the liability of Sureties in Bonds given by Guardians of Minors.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passage of this act, no action shall be maintained against the surety or sureties in any bond given by any guardian of any minor, unless the same shall be commenced within four years after such minor shall arrive at the age of twenty-one years, if then within the Commonwealth, or if then without the Commonwealth, within four years after such minor shall return within said Commonwealth: provided, nevertheless, that nothing in this act shall be so construed as to diminish or impair, in any degree, the obligation of the principal in such bond.*

[Approved by the Governor, February 26, 1835.]

CHAP. XII.

An Act to incorporate the Boston and Lynn India Rubber Manufacturing Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles C. Nichols, Thomas Whitmarsh and Benjamin Freeman, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, created a body corporate by the name of the Boston and Lynn India Rubber Manufacturing Company, for the manufacture of india rubber in its various forms in the town of Lynn, in the county of Essex, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements contained in the statute of one thousand eight hundred twenty-nine, chapter fifty-three, defining the general powers and duties of manufacturing corporations.

Real and per-
sonal estate.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding in value the sum of one hundred and fifty thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

[Approved by the Governor, March 2, 1835.]

CHAP. XIII.

An Act to incorporate the Boston India Rubber
Factory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ezra Eaton, Frederick Gould, and James Morrill, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Boston India Rubber Factory, for the purpose of manufacturing in the county of Norfolk, or county of Suffolk, india rubber cloth, leather, clothing, and other goods and fabrics, consisting wholly or in part of india rubber; and shall have all the powers and privileges, and be subject to all the duties and requirements, contained in the statute of one thousand eight hundred twenty-nine, chapter fifty-three, defining the general powers and duties of manufacturing corporations.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, not exceeding in value twenty thousand dollars, and such personal estate, not exceeding in value eighty thousand dollars, as may be suitable and convenient for the purposes aforesaid.

Real and personal estate.

[Approved by the Governor, March 2, 1835.]

CHAP. XIV.

An Act to incorporate the Boston Rice Mill Company.

**Persons incorpo-
rated.**

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Prince, Samuel Hinckley, Benjamin Pickman, and William Pickman, their associates and successors, be, and they hereby are made a corporation, by the name of the Boston Rice Mill Company, for the purpose of hulling, cleaning and grinding rice, and for such purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-three, defining the general powers and duties of manufacturing corporations.

**Real and per-
sonal estate.**

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding in value twenty thousand dollars, and such personal estate, not exceeding in value eighty thousand dollars, as may be convenient and necessary for the purposes aforesaid.

[Approved by the Governor, March 3, 1835.]

CHAP. XV.

An Act to incorporate the Proprietors of West
Bradford Meeting-house.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Eliphalet Kimball, Leonard Johnson, and Alfred Kittredge, their associates and successors, are hereby incorporated as a religious society, by the name of the Proprietors of West Bradford Meeting-house; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies, legally established in this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation shall have power to hold and manage any estate to the value of ten thousand dollars: *provided* the same be appropriated exclusively to parochial purposes. Estate.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XVI.

An Act to incorporate Grace Church in the City of Boston.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Howard, Otis Daniell, Robert Farley, Barnum Field, Thomas W. Haskins, Benjamin P. Richardson, and Edward S. Rand, and their associates and successors, are hereby incorporated as a religious society, by the name of Grace Church in the city of Boston; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may take and hold estate, real and personal, the income of which shall not exceed five thousand dollars per annum: *provided*, the same be appropriated exclusively to parochial purposes.

[Approved by the Licut. Governor, March 4, 1835.]

CHAP. XVII.

An Act fixing the Pay of Jurors.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Grand Jurors, Pay of Jurors. and the Jurors for trials, who shall attend at any of the courts of this Commonwealth, in lieu of the pay now established by law, shall each be allowed one dollar and seventy-five cents a day for their attendance, and eight cents a mile for their travel out and home, to be paid out of their respective county treasuries.

SEC. 2. *Be it further enacted,* That this act shall be in force, and take effect, from and after thirty days from the passage of the same.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XVIII.

An Act to incorporate the African Methodist Episcopal Church in Nantucket.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Bristol Wright, Persons incorporated. Arthur Cooper, and John Cooper, their associates

and successors, are hereby incorporated as a religious society, by the name of the African Methodist Episcopal Church in Nantucket, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Real and personal estate.

SEC. 2. *Be it further enacted*, That said corporation shall have power to hold and manage any estate of the value of three thousand dollars: *provided* the same be appropriated exclusively to parochial purposes.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XIX.

An Act to incorporate the Holmes' Hole Union Wharf Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Hillman, Thomas Bradley, Bartlett Allen, Charles Look, their associates, successors and assigns, are hereby made a corporation, by the name of the Holmes' Hole Union Wharf Company, with all the powers and requirements contained in the eighty-third chapter of the statutes of eighteen hundred and thirty-three.

To hold and possess wharf.

SEC. 2. *Be it further enacted*, That said corporation may hold and possess a certain wharf, situate in the harbour of Holmes' Hole, in Dukes' County, bounded by the foot of the street leading to the

water, between the land of Jonathan Luce, Jr., and that of the heirs of Silas West, and running thence in a parallel line of said street, twenty-five rods, with all the privileges and appurtenances thereto belonging.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XX.

An Act in addition to the Act to incorporate the African Humane Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the African Humane Society be hereafter known and called by the name of the Paul Humane Society. Name altered.

SEC. 2. *Be it further enacted,* That the standing committee of said society shall hereafter consist of the president, secretary and treasurer, and four members of said corporation, to be elected in the manner provided in the fourth section of the act to which this is in addition, any four of whom shall constitute a quorum to transact business. Standing committee, how to be elected.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XXI.

An Act to continue in force an Act to incorporate the Massachusetts Fire and Marine Insurance Company.

Previous statutes
to remain in force
twenty years.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the statute of the year one thousand seven hundred and ninety-five, chapter twenty-two, incorporating the Massachusetts Fire and Marine Insurance Company, and the several acts in addition thereto, be continued and remain in force for the term of twenty years, from and after the twenty-fifth day of June, in the year one thousand eight hundred and thirty-five: *provided*, that said company shall be subject to all the duties and obligations, and entitled to all the privileges contained in the statutes of the year one thousand eight hundred and seventeen, chapter one hundred and twenty, and of the year one thousand eight hundred and thirty-two, chapter ninety-five.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XXII.

An Act to establish an Institution for Savings in Canton.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Adam Kingsley, Friend Crane, and Jonathan Stone, their associates and successors, are hereby made a corporation, by the name of "the Canton Institution for Savings," to be established in the town of Canton, in the county of Norfolk, with all the powers and privileges, and subject to all the duties and liabilities prescribed in the statute of the year one thousand eight hundred and thirty-four, chapter one hundred and ninety, regulating institutions for savings. Persons incorporated.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XXIII.

An Act to change the name of the Baptist Missionary Society in Massachusetts to the Massachusetts Baptist Convention.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after

the passing of this act, the Baptist Missionary Society in Massachusetts, shall be known and called by the name of the Massachusetts Baptist Convention, and that it retain, under said new name, all its existing powers, privileges, rights and property, and remain subject to all its present duties, obligations and liabilities.

SEC. 2. *Be it further enacted*, That so much of the act of incorporation of said society as relates to the number, duties, and time and place of choosing the officers of said corporation, be, and the same is hereby repealed.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XXIV.

An Act to establish an Institution for Savings in Concord.

Persons incor-
porated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathan Brooks, Nehemiah Ball, and Josiah Bartlett, their associates and successors, are hereby made a corporation, by the name of "the Middlesex Institution for Savings," to be established in the town of Concord, in the County of Middlesex, with all the powers and privileges, and subject to all the duties and liabilities, prescribed in the statute of the year one thousand eight hundred and thirty-four, chapter one hundred and ninety, regulating institutions for savings.

[Approved by the Lieut. Governor, March 4, 1835.]

CHAP. XXV.

An Act to establish the dividing line between Westborough and Southborough.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described line shall be in future the dividing line between the towns of Westborough and Southborough, viz: beginning at a stone monument near Charles Buck's house; at a corner of Westborough, Southborough, and Northborough; thence running south, twenty-eight and one quarter degrees east, one thousand and sixty-one rods to a stake and stones erected by the viewing committee; thence running south, eighty-six and a half degrees west, one hundred and fifty seven rods to a stone on the brink of Sudbury river, marked on the easterly side with the letter S, on the westerly side with the letter W, and on the southerly side with the letter H.

Dividing line described.

[Approved by the Lieut. Governor, March 5, 1835.]

CHAP. XXVI.

An Act in further addition to an Act to incorporate the Roxbury India Rubber Factory.

May hold real
and personal es-
tate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Roxbury India Rubber Factory, be, and they hereby are authorized to take and hold real estate, for the purpose of prosecuting the business of said corporation, to an amount not exceeding one hundred thousand dollars in value, and personal estate, to an amount not exceeding two hundred thousand dollars in value, the limitations in the several acts to which this is in addition to the contrary notwithstanding.

[Approved by the Lieut. Governor, March 5, 1835.]

CHAP. XXVII.

An Act to authorize the First Parish in Charlestown to sell certain Real Estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Parish in Charlestown is hereby authorized to empower their treasurer, for the time being, to sell any part or

the whole of their real estate within said town, and to make and execute a deed or deeds thereof to the purchaser or purchasers; and the proceeds of such sale or sales, as aforesaid, shall be invested in such manner as said first parish shall direct: *provided, however*, that the income only, and no part of the principal, shall be applied to the support of the ministry in said parish: and, *provided, also*, that the minister or ministers thereof for the time being, shall concur with said parish in the sale of said real estate, and join in the execution of any deed or deeds made for the conveyance thereof.

Treasurer to sell real estate.

Income to be applied to support of minister.

[Approved by the Lieut. Governor, March 5, 1835.]

CHAP. XXVIII.

An Act to incorporate the Boston Asylum and Farm School for Indigent Boys.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the two corporations, entitled "the Boston Asylum for Indigent Boys" and "the Proprietors of the Boston Farm School," be, and the same hereby are united into one corporation, by the name of "the Boston Asylum and Farm School for Indigent Boys," with all the powers contained in the statute of one thousand eight hundred and thirty-three, chapter eighty-three.

Corporations united.

SEC. 2. *Be it further enacted*, That all persons who are members for life, of either of the said former corporations, or who shall pay the sum of fifty

Members for life.

Members.

dollars, in one payment, to the corporation hereby created, shall be members for life of the corporation hereby created. And every person who shall subscribe and pay to the said corporation, a sum not less than three dollars annually, shall be a member thereof so long as he continues to pay the same.

May hold real and personal estate.

SEC. 3. *Be it further enacted,* That the said corporation shall be deemed and taken to be successor to the said first named corporations, and may take and hold free from taxes, real estate, not exceeding seventy-five thousand dollars in value, and personal estate, not exceeding one hundred thousand dollars, and shall be authorized to receive and hold all property belonging to the said former corporations.

Deeds of assignment and transfer.

And the managers and officers of the two former corporations who are now in office, or the major part of them, respectively, are empowered, at any time within three months, to make any deeds or instruments, that shall be considered proper or convenient, for confirming the said assignment and transfer of the property of the two former corporations to the corporation hereby created.

Admit children above five years of age.

SEC. 4. *Be it further enacted,* That all the funds of said corporation shall be managed and appropriated for relieving, instructing and employing indigent boys. And the said corporation shall have power to admit into their institution any indigent boy above the age of five years, at the request of his parent or guardian, and to accept from his father, or in case of his death, from his mother or guardian, a surrender in writing of any such boy to the care and direction of said corporation. And they may take into said institution any other indigent boys, residing in the city of Boston, who have no parent or guardian within the Commonwealth. And all boys so admit-

ted shall be maintained and employed in said institution, and shall be instructed in moral and religious duties, and the learning usually taught in the common town schools. And when of suitable age, shall be employed in a regular course of labor, and be so instructed in agriculture, or such other useful occupations as to prepare them to earn their own livelihood.

SEC. 5. *Be it further enacted,* That the said corporation shall have authority to retain and employ such boys on their farm, after they are of suitable age, to be bound out until the age of twenty-one years, or they may bind out such boys when of suitable age, in virtuous families, or as apprentices at any reputable trade, until the age of twenty-one years, in like manner, and on the same conditions as overseers of the poor, may, by law, bind out the children of poor persons settled in their respective towns. *Provided,* that any such boy, who shall not have been surrendered to said corporation in the manner herein provided, may be withdrawn from the institution, or the person to whom he is bound, by his parent or guardian, upon payment to said corporation of the expenses incurred by them in the relief, support and instruction, of such boy.

Boys to be bound out.

May be withdrawn on paying of expenses.

SEC. 6. *Be it further enacted,* That the said two former corporations shall continue to exist so far, only, as to enable them to take any donation made to them by will or otherwise. And in case of such donation, it shall be lawful for the corporation hereby created, as the agent and successor of either of such former corporations, to demand and receive such donation, and give a sufficient discharge and release therefor, which shall be as valid as if made by the corporation to which said donation shall be given. And the same shall be appropriated in the manner

May accept donations made by will.

herein provided for the funds of the corporation hereby created.

First meeting.

SEC. 7. *Be it further enacted,* That the first meeting of the corporation hereby created, may be called by any three of the managers or directors of either of said former corporations in the manner prescribed in the statute of one thousand eight hundred and thirty-three, chapter eighty-three.

[Approved by the Lieut. Governor, March 5, 1835.]

CHAP. XXIX.

An Act to incorporate the Second Methodist Episcopal Church in New Bedford.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Brownell, Billings F. Cory, and Abel Hart, their associates and successors, are hereby made a corporation, by the name of the Second Methodist Episcopal Society in New Bedford; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

SEC. 2. *Be it further enacted,* That said corporation shall have power to hold and manage any estate, to the value of thirty thousand dollars: *provided* the same be appropriated exclusively to parochial purposes.

[Approved by the Lieut. Governor, March 5, 1835.]

CHAP. XXX.

An Act to incorporate the Proprietors of the Belmont Institute.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Jeffries, John Binney, Robert H. Eddy, A. C. Lombard, E. Scholfield, Jr. and Francis Parkman, their associates and successors, are hereby incorporated as the Proprietors of the Belmont Institute, to be established within the limits of the city of Boston, for the purpose of a female seminary, with the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three; and with power to hold real and personal estate, not exceeding in value the sum of fifty thousand dollars, to be devoted exclusively to the purposes of education.

Persons incorporated.

Real and personal estate.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXI.

An Act authorizing the Town of Tisbury to close up Bass Creek in said Town.

Close up Bass
Creek.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Tisbury are hereby authorized and empowered to close up the creek, commonly called Bass Creek, in the village of Holmes' Hole, so as effectually to stop the communication of the waters of the harbor of Holmes' Hole with the waters of the Lagoon Pond, so called, through said creek.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXII.

An Act to incorporate the Franklin Hemp and Flax Manufacturing Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Henry Lewis and Joseph W. Lewis, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Franklin Hemp and Flax Manufacturing Company, for the purpose of spinning

hemp and flax, and manufacturing cordage, hemp bagging, duck, and twine, in the city of Boston, with all the powers and privileges, and subject to all the duties and requirements contained in the statute of eighteen hundred and twenty-nine, chapter fifty-third, defining the powers and duties of manufacturing corporations.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, not exceeding in value twenty-five thousand dollars, and such personal estate, not exceeding in value seventy-five thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

Real and personal estate.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXIII.

An Act relating to the Three Rivers Bridge in Palmer.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the first day of April next, the Three Rivers Bridge so called, which crosses the Chickopee River in Palmer, in the county of Hampden, shall be supported, amended and sustained at the proper expense and charge of the said county of Hampden. And it shall be the duty of the county commissioners, for the said county of Hampden, for the time being, to carry the provisions of this act into effect.

Support of Three Rivers Bridge.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXIV.

An Act in addition to "An Act to establish the Winnisimmet Bank."

Fulton Bank. SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Corporation created by the act, to which this is an addition, by the name of the "President, Directors, and Company of the Winnisimmet Bank," shall hereafter be known by the name of the President, Directors, and Company of the Fulton Bank.

Previous act repealed. SEC. 2. *Be it further enacted,* That so much of the act to which this is an addition, as requires the said bank to be established or kept near the Winnisimmet Ferry in the city of Boston, be, and the same is repealed, and that the said bank may be established and kept in any part of said city.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXV.

An Act authorizing the Town of Harwich to continue a Bridge over Herring River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of Harwich, is hereby authorized and empowered to continue and maintain the bridge over Herring River, in said town, near the house of Job Chase, notwithstanding any supposed navigability of the waters over which said bridge extends: *provided*, that no toll shall ever be demanded of any person for passing the same.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXVI.

An Act to incorporate the Westport Allen Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William H. Allen, Gideon Allen, Joseph H. Allen, and Frederick Parker, their associates, successors and assigns, be, and they hereby are made a corporation, by the name

Persons incorporated.

of the Westport Allen Manufacturing Company, for the purpose of manufacturing cotton yarn, and cotton goods, in the town of Westport, in the county of Bristol, with all the powers and privileges, and subject to all the duties and requirements contained in the statute of eighteen hundred and twenty-nine, chapter fifty-third, defining the powers and duties of manufacturing corporations.

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may take and hold such real estate, not exceeding in value fifty thousand dollars, and such personal estate, not exceeding in value fifty-five thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXVII.

An Act to incorporate the New England India Rubber Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Butters, Joshua C. Bates, Benjamin Clark, Nathan Richardson, their associates, successors and assigns, be, and they hereby are constituted a body corporate, by the name of the New England India Rubber Company, for the purpose of manufacturing, within the county of Norfolk, goods, merchandize, and other articles, the component stock of which will be wholly or in part india rubber, or gum elastic, and for this pur-

pose shall have all the powers, and be subject to all the duties and requirements contained in the statute of eighteen hundred and twenty-nine, chapter fifty-third, defining the powers and duties of manufacturing corporations.

SEC. 2. *Be it further enacted*, That the said corporation may take and hold such real estate, within said county of Norfolk, not exceeding twenty thousand dollars, and such personal estate, not exceeding in value fifty thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

Real and personal estate.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXVIII.

An Act to incorporate the Boyden Malleable Cast Iron and Steel Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George Darracott, Joseph Marriner, William B. Dorr, and their associates, successors and assigns, be, and they hereby are created a corporation, by the name of the Boyden Malleable Cast Iron and Steel Company, for the purpose of manufacturing, in the city of Boston, in the county of Suffolk, all kinds of iron and steel ware, and articles, and for plating, painting and enamelling the same; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in the statute of one thousand eight hundred and twenty-nine, chapter

Persons incorporated.

fifty-three, "defining the general powers and duties of manufacturing corporations."

Real and personal estate.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, in said Boston, not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value the sum of two hundred thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XXXIX.

An Act to incorporate the Berkshire Mutual Fire Insurance Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathan Willis, Edward A. Newton, Ezekiel R. Colt, their associates and successors, be, and they hereby are made a corporation, by the name of the Berkshire Mutual Fire Insurance Company, with all the powers and privileges contained in the statute of the year one thousand eight hundred and thirty-three, chapter eighty-three, and all other powers and privileges incident to similar corporations, for the term of twenty-eight years; and every person who shall be insured by said corporation, shall be a member thereof so long as he shall be thus insured.

SEC. 2. *Be it further enacted,* That the said corporation shall annually elect not less than five di-

rectors, who at the time of their election shall be citizens of the Commonwealth, and after the first election, members of the corporation, and who shall manage and conduct all the affairs and business of the corporation. All elections shall be by ballot and in the manner provided by the by-laws, and absent members may vote by proxy: *provided*, that no one member shall be allowed more than five votes.

Elections by ballot.

SEC. 3. *Be it further enacted*, That the directors shall meet as soon as may be after their election, and choose one of their number to be president, and they shall also choose a secretary and treasurer. The secretary shall be sworn to the faithful discharge of his duty, and shall keep a true record of all votes of the corporation, and of the directors, and of all policies issued by the corporation. All the officers shall hold their offices until others are chosen, and all vacancies may be filled by a special election, in the manner prescribed for the annual elections.

Choice of officers.

SEC. 4. *Be it further enacted*, That when the sum of fifty thousand dollars shall be subscribed to be insured by said corporation, they may insure for a term not exceeding seven years, upon any building or furniture in the same, within this Commonwealth, any amount not exceeding three-fourths of the value thereof: and all policies of insurance by them made, shall be subscribed by the president, or in case of his death, inability or absence, by any two of the directors, and countersigned by the secretary, and shall be binding upon the corporation, and have the same effect, as if under their corporate seal.

May insure for a term of seven years.

SEC. 5. *Be it further enacted*, That the funds of said corporation shall be invested in stocks or loaned on security, as the directors may order; and shall be appropriated, first to pay their expenses, and then to

Funds to be invested in stocks.

In what case to
assess members.

pay the damages which any member may be entitled to recover on his policy, and if any member shall have a just claim upon said corporation, exceeding the amount of their then existing funds, exclusive of deposit notes made by the members, the directors shall forthwith assess such sum as may be necessary to pay the same, upon the members, in proportion to the amount of their premiums and deposits, severally, for seven years, but not to exceed double the amount of such premiums and deposits.

In case directors
refuse to assess,
&c.

SEC. 6. *Be it further enacted,* That whenever sufficient estate or funds of said corporation cannot be found to satisfy any execution against them, founded upon a judgment on any policy issued by them, and the directors shall neglect or refuse, for thirty days after the rendition of such judgment, to make an assessment therefor as herein provided, and to deliver the same to the treasurer, and direct him to collect the same, or if, when the said assessment is collected, or when the said corporation have sufficient funds therefor, the directors neglect or refuse to pay the said execution; then, and in either case, the same may be levied upon the private property of any one or more of the directors. And any director, whose property may be so taken, or who may pay the same, may have his action against the corporation to recover full and adequate damages therefor.

Policy create a
lien on property
insured.

SEC. 7. *Be it further enacted,* That each policy issued by said corporation, shall of itself, and without any other ceremony, create a lien on the interest of the person insured, in any building thereby insured, and in the land under the same, for the security and payment of any sums for which he may be liable to be assessed, in consequence of taking or holding

said policy: *provided*, the extent of such liability, Proviso. and the intention of the corporation to rely upon such lien shall be set forth in the policy; and that such lien shall cease upon the expiration of the policy, or upon the alienation of the estate to a bona fide purchaser, unless the policy shall be continued in force, by consent of the purchaser, notwithstanding such alienation. And if it shall become necessary to resort to such lien for the payment of any deposit note, or any assessment secured thereby, the treasurer shall demand payment thereof from the assured or his legal representatives and also from the tenant in possession of the insured premises, setting forth in writing the sum so due: and in Execution, how levied. case the same is not paid, the corporation may maintain an action therefor, and may levy any execution issued thereon, upon the estate subjected to the lien, and the officer making the levy may sell the whole, or any part thereof at auction, in the same manner as is required by law in the sale upon execution of equities of redemption of mortgaged premises; and Right to redeem estate. the owner shall have a right to redeem said estate within one year from the time of sale, by paying the amount which may by such sale have been satisfied on such execution, with interest, at the rate of twelve per cent. per annum thereon, deducting the rents and profits over and above the repairs. And if there be any surplus of the proceeds of such sale, after satisfying the execution with the legal costs and charges, the officer shall return such surplus to the owner of the estate.

SEC. 8. *Be it further enacted*, That each member of the corporation shall, at the expiration of his policy, have a right to demand and receive from them his share of the funds then remaining, after Right of members, &c.

paying all expenses and losses then incurred, in proportion to the sum or sums by him actually paid, in consequence of said policy.

Liabie to be taxed.

SEC. 9. *Be it further enacted,* That the said corporation shall be liable to be taxed by any general law taxing similar institutions; and the directors shall, when required by the legislature, lay before them a statement of their affairs and business, and submit to an examination concerning the same under oath.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XL.

An Act to incorporate the proprietors of the Boston Chemical Laboratory.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Stevens, Benjamin F. Hathorne, Josiah Dunham, Jr. and John P. Caldwell, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Boston Chemical Laboratory, for the purpose of manufacturing chemical preparations at Boston, in the county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-third, defining the general powers and duties of manufacturing corporations.

SEC. 2. *Be it further enacted*, That said corporation may take and hold such real estate, not exceeding in value ten thousand dollars, and such personal estate, not exceeding in value twenty thousand dollars, as may be suitable for carrying on the manufacture aforesaid. Real and personal estate.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XLI.

An Act to establish a part of the dividing line between Pembroke and Hanover.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following described line be in future a part of the dividing line between the towns of Pembroke and Hanover, viz: beginning at the middle of the centre pier of the bridge over Indian Head River, below the dam, thence south eighty-two degrees west, by the magnetic meridian, eleven and one fourth rods to the dam.

[Approved by the Lieut. Governor, March 6, 1835,]

CHAP. XLII.

An Act to incorporate the Old Colony Insurance Company.

Persons incorpo-
rated.

Estate.

Capital stock.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jacob Covington, Ezra Finney, and their associates, successors and assigns, be, and they are hereby made a body politic, by the name of the Old Colony Insurance Company, for the purpose of making maritime loans and insurance against maritime losses, in the customary manner, with all the privileges, and subject to all the duties and obligations, contained in a law entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in an act in addition thereto, passed March sixth, in the year of our Lord one thousand eight hundred and thirty-two, entitled "an act in addition to an act to define the powers, duties and restrictions of insurance companies," for and during the term of twenty years from and after the passing of this act, and may purchase, hold and convey any estate, real or personal, for the use of said company. *Provided,* that the real estate shall not exceed the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security, for money due to said company.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be fifty thousand dollars,

and shall be divided into shares of one hundred dollars each, and shall all be collected and paid, in such instalments and under such provisions and penalties, as the president and directors of said company shall order and appoint.

SEC. 3. *Be it further enacted*, That the old colony insurance company shall be located in the town of Plymouth. Place of location.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XLIII.

An Act to incorporate the Union Society in Marlborough.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the First Parish, and the First Evangelical Congregational Society, in the town of Marlborough, are hereby incorporated as one religious society, by the name of the "Union Society in Marlborough," with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies in this Commonwealth.

SEC. 2. *Be it further enacted*, That said Union Society shall be deemed and taken to be the lawful successor of the said first parish and first evangelical congregational society, and as such shall take and hold all property now belonging to said last mentioned societies respectively, and may take, hold and Real and personal estate.

manage any estate, the annual income of which shall not exceed one thousand dollars : *provided* the same be appropriated exclusively to parochial purposes.

[Approved by the Lieut. Governor, March 6, 1835.]

CHAP. XLIV.

An Act to incorporate the Pierce Academy.

Persons incor-
porated.

Real and per-
sonal estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Allen, John O. Choules, Hervey Fittz, Peter H. Pierce, Isaac Stevens, Wilkes Wood, Avery Briggs, Elisha Tucker, and James A. Leonard, their associates and successors, be, and they hereby are incorporated as Trustees of the Pierce Academy, to be established in the town of Middleborough, in the county of Plymouth, with the powers and requirements contained in the statute of one thousand eight hundred and thirty-three, chapter eighty-three, with power to hold real and personal estate, not exceeding twenty thousand dollars, to be devoted exclusively to the purposes of education.

[Approved by the Lieut. Governor, March 7, 1835.]

CHAP. XLV.

An Act to incorporate the Lafayette Fire and Marine Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edmund Bray, Benjamin Porter, Joseph W. Green, Edmund Kimball, and John Candler, Jr., their associates and successors, are hereby made a body politic, by the name of the Lafayette Fire and Marine Insurance Company, to be located in the town of Marblehead, for the purpose of making loans, and insurance against fire and maritime losses, in the customary manner; with all the privileges, and subject to all the duties and obligations, contained in the one hundred and twentieth chapter of the statutes of eighteen hundred and seventeen, in the one hundred and forty-first chapter of the statutes of eighteen hundred and nineteen, and in the ninety-fifth chapter of the statutes of eighteen hundred and thirty-two, for and during the term of twenty years after the passing of this act.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint; and they may purchase, hold and convey, any estate, real or per-

Amount of capital stock.

sonal, for the use of said company: *provided*, the real estate shall not exceed the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

[Approved by the Lieut. Governor, March 7, 1835.]

CHAP. XLVI.

An Act for confirming the proceedings and extending the power of the Boston and Providence Railroad Corporation.

Location of the
route of the
Branch Rail-
road.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the doings of the said corporation, locating the route for their branch rail-road to Dedham village, be confirmed, the said route being as follows:—commencing at a point eight miles and three thousand four hundred and three feet from the Boston and Providence rail-road depot in Boston, thence proceeding south thirty-one degrees and forty-five minutes west, one hundred feet, thence south thirty-eight degrees and fifteen minutes west, one hundred feet, thence south forty-four degrees forty-five minutes west, one hundred feet, thence south fifty-one degrees fifteen minutes west, one hundred feet, thence south fifty-seven degrees forty-five minutes west, one hundred feet, thence south sixty-four degrees fifteen minutes west, one hundred feet, thence south seventy degrees forty-five minutes west, one hundred feet, thence south

seventy-seven degrees fifteen minutes west, one hundred feet, thence south eighty-three degrees forty-five minutes west, one hundred feet, thence north eighty-nine degrees forty-five minutes west, one hundred feet, thence north eighty-three degrees fifteen minutes west, one hundred feet, thence north seventy-six degrees forty-five minutes west, one hundred feet, thence north seventy degrees fifteen minutes west, one hundred feet, thence north sixty-three degrees forty-five minutes west, one hundred feet, thence north fifty-nine degrees thirty minutes west, one hundred feet, thence north fifty-eight degrees west, twenty-nine hundred feet, thence north fifty-seven degrees west, one hundred feet, thence north fifty-five degrees west, one hundred feet, thence north fifty-three degrees west, one hundred feet, thence north fifty-one degrees west, one hundred feet, thence north forty-nine degrees west, one hundred feet, thence north forty-eight degrees west, twenty-four hundred feet, thence north forty-eight degrees thirty minutes west, one hundred feet, thence north fifty degrees west, one hundred feet, thence north fifty-two degrees west, one hundred feet, thence north fifty-four degrees west, one hundred feet, thence north fifty-six degrees west, one hundred feet, thence north fifty-eight degrees west, one hundred feet, thence north sixty degrees west, one hundred feet, thence north sixty-two degrees west, one hundred feet, thence north sixty-four degrees west, one hundred feet, thence north sixty-six degrees west, one hundred feet, thence north sixty-eight degrees west, one hundred feet, thence north seventy degrees west, one hundred feet, thence north seventy-two degrees west, one hundred feet, thence north seventy-three degrees forty-five min-

Location of the
route, &c.

Location of the
route, &c.

utes west, one hundred feet, thence north seventy-four degrees thirty-five minutes west, twenty-six hundred feet, thence north seventy-two degrees thirty minutes west, one hundred feet, thence north sixty-eight degrees thirty minutes west, one hundred feet, thence north sixty-four degrees thirty minutes west, one hundred feet, thence north sixty-two degrees thirty minutes west, one hundred feet, thence north sixty degrees forty-five minutes west, one hundred feet. The above courses being according to the magnetic meridian, and representing the centre line of the road, the said centre line conforming to those courses as near as practicable, consistently with its forming a regular curve where the direction varies. And the route above described shall be as valid, as if it had been so described in the act authorizing the construction of said branch rail-road, passed in the year eighteen hundred and thirty-four, chapter one hundred and seventy-one.

Authorized to
contract, &c.

SEC. 2. *Be it further enacted*, That the said corporation, be, and they hereby are authorized to contract with the Boston and Providence rail-road and transportation company, a corporation established by the state of Rhode Island, for the use of a bridge across Seekonk river, of a rail-road from thence to a suitable landing place in the city of Providence, of a depot for merchandize, cars and engines, and of work-shops and other necessary buildings for the use of said road, at that place, the construction of all which is contemplated by said last named corporation; the said contract to be upon such terms as shall be thought equitable between the parties.

[Approved by the Lieut. Governor, March 7, 1835.]

CHAP. XLVII.

An Act to incorporate the Falmouth Academy.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Jenkins, Richard S. Wood, and Knowles Butler, their associates and successors, be, and they hereby are incorporated as the Proprietors of the Falmouth Academy, to be established in the town of Falmouth, in the county of Barnstable, with the powers and requirements contained in the statute of the year one thousand eight hundred and thirty-three, chapter eighty-three, and with power to hold real and personal estate, not exceeding in value the sum of twenty thousand dollars, to be devoted exclusively to the purposes of education.

Persons incorporated.

Real and personal estate.

[Approved by the Lieut. Governor, March 7, 1835.]

CHAP. XLVIII.

An Act concerning Limited Partnerships.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That limited partnerships, for the transaction of mercantile, mechanical

Limited partnerships, &c.

or manufacturing business, within this Commonwealth, may be formed by two or more persons, upon the terms, and subject to the conditions and liabilities herein after prescribed: *provided, however,* that nothing in this act contained shall authorize such partnerships for the purpose of banking or insurance.

General and
special partners.

SEC. 2. *Be it further enacted,* That partnerships, formed under this act, may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners now are by law; and of one or more persons who shall contribute a specific sum in actual cash payment as capital, to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership beyond the sum so contributed by him or them to such capital.

Certificates to be
signed by part-
ners.

SEC. 3. *Be it further enacted,* That persons forming such partnerships shall make, and severally sign a certificate, which shall contain the name or firm, under which said partnership is to be conducted; the names and respective places of residence of all the general and special partners; distinguishing which are general and which are special partners; the amount of capital which each special partner has contributed to the common stock; the general nature of the business to be transacted, and the time the partnership is to commence, and when it is to terminate.

Certificate to be
acknowledged
before a justice
of the peace, &c.

SEC. 4. *Be it further enacted,* That such partnership shall not be deemed to have been formed, until a certificate, made as aforesaid, shall be acknowledged by all the partners, before some justice of the peace, and recorded in the registry of deeds, of the county in which the principal place of the busi-

ness of the partnership is situated, in a book to be kept for that purpose, open to public inspection. And if the partnership shall have places of business situated in different counties, a copy of the certificate, certified by the register of deeds in whose office it shall be recorded, shall be filed and recorded in like manner in the office of the register of deeds in every such county. And if any false statement shall be made in such certificate, all the persons interested in said partnership shall be liable for all the engagements thereof, as general partners.

Registry of certificate, &c.

SEC. 5. *Be it further enacted,* That, after such registry, the partners shall, for six successive weeks, immediately thereafter, publish a copy of the certificate above mentioned, in a newspaper printed in the county where their principal place of business is situated, and if no such paper be there printed, then in a newspaper printed in the city of Boston, and if such publication be not so made, the partnership shall be deemed general.

Copy of certificate to be published.

SEC. 6. *Be it further enacted,* That, upon every renewal or continuance of such partnership, beyond the time originally fixed for its duration, a certificate thereof shall be made and acknowledged, recorded and published, in the same manner as is provided for in the third, fourth, and fifth sections of this act, respecting the original formation of such partnerships. And every such partnership, otherwise renewed or continued, shall be deemed a general partnership.

In case of renewal of partnership, &c.

SEC. 7. *Be it further enacted,* That the business of the partnership shall be conducted under a firm, in which the names of the general partners only shall be inserted, without the addition of the word "Company," or any other general term; and the general partners only shall transact business.

Partnerships, how styled.

And if the name of any special partner shall be used in such firm, with his consent or privity, or if he shall personally make any contract respecting the concerns of the partnership, with any person except the general partners, he shall be deemed and treated as a general partner.

Capital stock,
&c.

Special partners
responsible in
certain cases.

Assignment not
valid, unless, &c.

SEC. 8. *Be it further enacted*, That, during the continuance of any partnership under the authority of this act, no part of the capital stock thereof shall be withdrawn therefrom, nor any division of interest or profits be made, so as to reduce such capital stock below the sum stated in the certificates before mentioned; and, if at any time during the continuance or at the termination of the partnership, the property or assets shall not be sufficient to pay the partnership debts, then the special partners shall severally be held responsible for all sums by them in any way received, withdrawn, or divided, with interest thereon, from the time when they were so withdrawn respectively. And no general assignment by said partnership, in view of insolvency, or where their goods and estate are insufficient for the payment of all their debts, shall be valid, unless it shall provide for a distribution of the partnership property among all the creditors, in proportion to the amount of their several claims, excepting the claims of the government of the United States, arising from bonds for duties, which are first to be paid or secured. And the assent of the creditors to such assignment shall be presumed, unless they, either expressly, or by some act inconsistent with such assent, shall dissent therefrom, within sixty days from the time of notice; and no such assignment shall be valid, unless notice of the same shall be given in some newspaper, printed in the county, where the place of business of the

party making the same is situated, and if no newspaper be printed in said county, then in some newspaper printed in the city of Boston, within fourteen days after the making of such assignment: *provided, however,* that notice of such assignment made by partners whose place of business is in Dukes County, or Nantucket, shall be given in some newspaper printed in Boston, within sixty days from the date of the assignment, if no newspaper be printed in the county where such place of business is situated.

SEC. 9. *Be it further enacted,* That all suits respecting the business of such partnership, shall be brought and prosecuted by and against the general partners only, except in those cases in which provision is herein before made, that special shall be deemed general partners, and special partnerships be deemed general, in which cases all the partners deemed general as aforesaid may join or be joined in such suits, excepting also cases where special partners shall be severally held responsible under the provisions of the foregoing section.

Suits brought by and against general partners only, except, &c.

SEC. 10. *Be it further enacted,* That no dissolution of such partnership shall take place, (except by operation of law,) before the time specified in the certificate before named; unless a notice of said dissolution be recorded in the registry in which the original certificate, or certificate of renewal or continuance was recorded, and in any other registry where the copy of said certificate was recorded, and published in such newspaper as is directed in the fifth section of this act.

Dissolution of partnerships.

SEC. 11. *Be it further enacted,* That in all cases, not otherwise provided for in this act, the members of limited partnerships shall be subject to all the legal liabilities, and entitled to all the legal immuni-

Members subject to legal liabilities, &c.

ties which are incident to general partnerships ; and the justices of the supreme judicial court may hear and determine in equity all questions between copartners, in any partnership formed by virtue of this act, and between said copartners and any creditor or creditors of the firm.

[Approved by the Lieut. Governor, March 10, 1835.]

CHAP. XLIX.

An Act to incorporate the Proprietors of the Union Meeting-house in Worcester.

Persons incorpo-
rated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Coe, Samuel Perry, and William T. Merrifield, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Union Meeting-house in Worcester, with power to hold real and personal estate, to an amount not exceeding in value twenty thousand dollars, to be appropriated exclusively to parochial purposes, which said property may be holden by said proprietors in shares of one hundred dollars each.

[Approved by the Lieut. Governor, March 11, 1835.]

CHAP. L.

An Act to change the name of the town of East Sudbury.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the passing of this act, the town of East Sudbury, in the county of Middlesex, shall be called and known by the name of Wayland.

[Approved by the Lieut. Governor, March 11, 1835.]

CHAP. LI.

An Act in addition to the Act incorporating the Newburyport Athenæum.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the number of votes of each stockholder shall be according to the number of shares he may hold: *provided*, that no one corporator shall have more than five votes; and absent stockholders may vote by proxy, such proxy being authorized in writing.

[Approved by the Lieut. Governor, March 11, 1835.]

CHAP. LII.

An Act to incorporate the Winnisimmet Academy.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abel Bowen, Henry H. W. Sigourney, and Charles H. Stedman, their associates, successors and assigns, are hereby made a corporation, by the name of Winnisimmet Academy, to be established at Winnisimmet village, in the town of Chelsea, county of Suffolk, with all the powers and privileges, and subject to all the duties and requirements, contained in the statute of one thousand eight hundred and thirty-three, chapter eighty-third; with authority to hold and manage real and personal estate, not exceeding forty thousand dollars, to be devoted exclusively to the purposes of education, the arts, and sciences.

Persons incorpo-
rated.

May hold real
and personal
estate.

[Approved by the Lieut. Governor, March 12, 1835.]

CHAP. LIII.

An Act to establish a Fire Department in the town of Plymouth.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the selectmen of the town of Plymouth are authorized, and it shall be their duty, in the month of April in each year, to appoint as many engineers for their fire department as they may think expedient: *provided,* such number so appointed shall not exceed twelve, who shall hold their offices for one year, from and after the first day of May next succeeding, and until others are appointed in their places. The said selectmen are authorized and required to fill any vacancies in the said office of engineer, and the said engineers shall possess the same authority, and exercise the same powers in relation to the extinguishment of fires, as firewards do by law possess and exercise.

Selectmen to appoint engineers annually.

To fill vacancies.

SEC. 2. *Be it further enacted,* That the said selectmen, immediately after the appointment of said engineers shall have been made, shall issue a warrant to one of their number, requiring him to notify a meeting of the board of engineers, at such time and place as shall be designated in such warrant, at which meeting the said engineers shall elect from their number, a chief engineer, a clerk, and such other officers as they may deem necessary for their more complete organization.

To issue a warrant.

Engineers to appoint enginemen.

SEC. 3. *Be it further enacted,* That the said engineers be, and they are hereby authorized and required, to exercise all the powers, and perform all the duties, in relation to the nomination and appointment of enginemen, which the selectmen of said town have been heretofore by law authorized and required to exercise and perform; and said engineers, and all persons by them appointed, pursuant to this act, shall be subjected to the same duties, and entitled to the same privileges and exemptions as enginemen are by law subjected and entitled to, when appointed by the selectmen. *Provided, however,* that they shall not be exempted from military duty, unless they shall produce to the commanding officer of the company, within whose bounds they reside, in the month of May, in each year, certificates of their appointment, signed by the chief engineer, or by the clerk of the board of engineers.

Exempted from military duty on producing certificate.

Engineers authorized to appoint men to the engines, &c.

SEC. 4. *Be it further enacted,* That the said engineers be, and they are hereby authorized and empowered, to appoint such number of men to the engines, and hook and ladder carriages, as they shall think expedient: *provided,* that the number of men appointed to each and every hydraulion, or engine with suction hose, shall not exceed fifty men, to each common engine thirty-five men, and that the number of hook and ladder men shall not exceed fifty men. And the said engine, and hook and ladder carriage men, are authorized to organize themselves into distinct companies, to elect captains, clerks, and other necessary officers, to establish such rules and regulations as may be approved by the board of engineers, to annex penalties to the breach of the same, which may be sued for and recovered by the clerk of any company so organized, before

Companies to elect their officers, &c.

any court of competent jurisdiction, to be appropriated to the use of said company. *Provided*, that no penalty shall exceed the sum of ten dollars: and *provided, further*, that such rules and regulations be not repugnant to the constitution and laws of this Commonwealth.

SEC. 5. *Be it further enacted*, That the said board of engineers shall have the care and superintendence of the public engines, hose, fire-hooks and ladder carriages and ladders, together with the buildings, fixtures, and appendages thereto belonging; and all the pumps, reservoirs for water, and all apparatus, owned by the town of Plymouth, and used for extinguishing fires, and shall cause the same to be kept in repair, and when worn out, to be replaced; and from time to time shall make such alterations therein, and additions thereto, as they shall deem necessary: *provided*, such alterations, additions or repairs, shall not exceed, in any one year, the sum of one hundred dollars, unless said town of Plymouth shall have authorized a larger appropriation.

Engineers to have the superintendence of the public engines, &c.

SEC. 6. *Be it further enacted*, That said board of engineers, at any meeting thereof, may establish such rules and ordinances as they may judge proper, to prohibit or regulate the carrying of fire, fire-brands, lighted matches, or any other ignited materials, openly in the streets or thoroughfares of said town, or in such parts thereof as they may designate, and to prohibit any owners or occupants of any building within said town, or such parts thereof as such board may designate, from erecting or maintaining any defective chimney, hearth, oven, stove or stove-pipe, fire-frame, or other fixtures, deposit of ashes, or any mixture, or other material, which may produce spontaneous combustion, or whatever else may give just cause of alarm, or may be the means

Engineers to establish rules and ordinances.

of kindling or spreading fires. And the board of engineers may also, from time to time, make and ordain rules and regulations, for their own government, and for the conduct of citizens, present at any fire, and may annex penalties for the breach of any rule, regulation, or ordinance, which they may have deemed expedient to make, not exceeding twenty dollars for any one breach thereof, and the same may be prosecuted for, and recovered by the chief engineer in his own name, before any court of competent jurisdiction; and all penalties so recovered shall be appropriated by said engineers to the improvement of the fire apparatus of said town: *provided*, such regulations and ordinances shall not be repugnant to the constitution and laws of the Commonwealth, and shall not be binding until the same shall have been approved by the inhabitants of said town, in legal meeting held for that purpose, and published in some newspaper printed in said town of Plymouth. And it shall be the duty of said chief engineer, in the month of March or April, annually, to make report to the town, of the state of the department, and render an account of all monies received and expended.

Penalties.

Former laws repealed.

SEC. 7. *Be it further enacted*, That all former laws inconsistent with the provisions of this act, be, and the same hereby are repealed, so far as they are applicable to said town of Plymouth: *provided*, that this act shall not take effect until the same shall have been accepted by a majority of the qualified voters of said town present and voting thereon, at a meeting legally notified for that purpose, and that, when so accepted, the same shall be liable to be modified or repealed by the Legislature of this Commonwealth.

Act, when to take effect.

[Approved by the Lieut. Governor, March 12, 1835.]

CHAP. LIV.

An Act in addition to "An Act for the regulation of Gaols and Houses of Correction."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, in addition to the offenders enumerated in the second section of the act to which this is an addition, any person or persons who shall sell any spirituous or fermented liquor without license, in any house, shop, room or hall used for the purpose of tippling, gambling, or for the resort of loose, lascivious, wanton or dissolute persons, or any person or persons charged with larceny of any money or chattels, not exceeding five dollars in value, upon conviction thereof, before any justice of the peace, or any police court, or court of common pleas, may be punished in the manner provided in the third section of the act to which this is in addition, and shall have the same right of appeal as is therein provided.

Spirituous liquor,
penalty for sell-
ing.

SEC. 2. *Be it further enacted,* That the said justice of the peace, police court, or court of common pleas, may also punish for any of the offences enumerated in this act, or in the second section of the act to which this is in addition, by fine not exceeding twenty dollars for one offence.

Offences, how
punishable.

[Approved by the Lieut. Governor, March 12, 1835.]

CHAP. LV.

An Act to incorporate the South Boston India Rubber Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Seth J. Thomas, Ebenezer Stevens and Josiah Dunham, Jr. their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the South Boston India Rubber Company, for the purpose of manufacturing in the city of Boston, articles composed wholly, or in part, of India rubber, and for that purpose, shall have all the powers, and be subject to all the duties and requirements, contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-third, defining the general powers and duties of manufacturing corporations.

Real and per-
sonal estate.

SEC. 2. *Be it further enacted,* That said corporation may hold such real estate in said city of Boston, not exceeding twenty thousand dollars, and such personal estate, not exceeding in value thirty thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

[Approved by the Lieut. Governor, March 19, 1835.]

CHAP. LVI.

An Act to authorize the widening of Choate's Bridge over Ipswich River, in the county of Essex.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the County Commissioners for the county of Essex, be, and they hereby are authorized and empowered to widen and extend Choate's Bridge, in Ipswich, in such manner as they shall judge the public convenience may require, notwithstanding said bridge extends over navigable tide waters.

Widen Choate's bridge.

SEC. 2. *Be it further enacted,* That the said commissioners are hereby authorized and required, to assess upon the county of Essex one half of the expense of widening and extending said bridge, and such other further sum as they shall judge reasonable, and order the same to be paid from the treasury thereof.

Expense to be partly assessed on the county of Essex.

[Approved by the Lieut. Governor, March 19, 1835.]

CHAP. LVII.

An Act to extend the time for paying in the Capital Stock of the India Fire and Marine Insurance Company.

Time extended
for paying in
capital stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the time wherein the capital stock of the India Fire and Marine Insurance Company, is by law required to be paid in, be, and the same hereby is extended unto the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and thirty-six.

[Approved by the Lieut. Governor, March 19, 1835.]

CHAP. LVIII.

An Act to incorporate the Northampton Female Seminary.

Persons incor-
porated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Henry G. Bowers, Thomas Napier, Charles A. Dewey, their associates and successors, are hereby incorporated by the name of the Trustees of the Northampton Female Seminary, to be established in Northampton, in the county

of Hampshire, with the powers contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three, and with power to hold real and personal estate, not exceeding in value the sum of fifty thousand dollars, to be devoted exclusively to the purposes of education.

Real and personal estate.

[Approved by the Lieut. Governor, March 19, 1835.]

CHAP. LIX.

An Act authorizing John O. Morse to construct a Wharf and Marine Railway in the Harbor of Edgartown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John O. Morse be, and he hereby is authorized and allowed to build, erect, continue and maintain a marine railway and wharf, in the harbor of Edgartown, in Dukes County, below low water mark, adjoining his land, and to extend the same into the channel of said harbor, to where there may be a depth of water equal to that at the other wharves erected in said harbor, and that he be allowed all the privileges heretofore granted to proprietors of wharves, or that may hereafter be granted to proprietors of wharves, or marine railways in said harbor, for the use, occupation, and accommodation of said wharf and railway: *provided,* that this grant shall in nowise interfere with the legal rights of any other person or persons whatever.

Marine Railway and wharf in the harbor of Edgartown.

[Approved by the Lieut. Governor, March 19, 1835.]

CHAP. LX.

An Act to incorporate the Boston Union Manufacturing Company.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Eveleth and Samuel Wales, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Boston Union Manufacturing Company, for the purpose of manufacturing, bleaching, coloring or printing cotton, linen and paper fabrics, and making machinery and other articles necessary or convenient to be used therefor, and carrying on the business thereof, in the county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-third, defining the general powers and duties of manufacturing corporations.

Real and per-
sonal estate.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value one hundred thousand dollars, and such personal estate, not exceeding in value a like sum, as may be suitable for carrying on the manufacture aforesaid.

[Approved by the Lieut. Governor, March 19, 1835.]

CHAP. LXI.

An Act to incorporate the Trustees of the Hawes Burying Ground.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abraham Gould, Adam Bent, Jabez Wilson, Josiah Dunham, and Edmund M. Smith, their associates and successors, be, and they are hereby made a corporation, by the name of the Trustees of the Hawes Burying Ground, and are hereby empowered to hold for the purpose of a burying ground, for the inhabitants of that part of the city of Boston, called South Boston, and for no other purpose, a certain lot or parcel of land, situate in said South Boston, bounded and described as follows, to wit: northerly by the old road leading to the point, there measuring one hundred and nine feet, westerly by land belonging to the heirs of Ebenezer Clap, there measuring one hundred feet, southerly by Abraham Gould's land, there measuring one hundred and nine feet, easterly by said Abraham Gould's land, there measuring one hundred feet, to the first named boundary line, together with all the rights and privileges to the same belonging; being the same conveyed by John Hawes to said Gould, Bent, Wilson, Dunham and Smith, by deed, dated the twelfth day of October, one thousand eight hundred and sixteen.

Persons incorporated.

Boundary.

SEC. 2. *Be it further enacted,* That the number of said trustees shall not be more than seven, nor

Power to fill vacancies.

less than five, and said corporation shall have power, from time to time, to fill all vacancies therein.

Subject to the
by-laws of the
city of Boston.

SEC. 3. *Be it further enacted*, That the said burying ground, and all the doings of said trustees in relation thereto, shall be at all times subject to the rules and regulations, by-laws and ordinances, of the city of Boston, in the same manner, with other places of interment within the city of Boston.

SEC. 4. *Be it further enacted*, That nothing in this act contained shall be so construed or operate as to defeat or impair the rights of any person now having any tomb in the land herein before described.

[Approved by the Lieut. Governor, March 19, 1835.]

CHAP. LXII.

An Act to incorporate the Northampton Manufacturing Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Lyman, Samuel Hinkley, and Theodore Wright, their associates, successors and assigns, be, and they are hereby created a corporation, by the name of the Northampton Manufacturing Company, for the purpose of manufacturing cotton, and woollen goods, at Northampton, in the county of Hampshire, and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in the statute of one thousand eight hundred

and twenty-nine, chapter fifty three, defining the general powers and duties of manufacturing corporations.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value seventy-five thousand dollars, and such personal estate, not exceeding in value one hundred thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

Real and personal estate.

[Approved by the Lieut. Governor, March 20, 1835.]

CHAP. LXIII.

An Act in addition to "An Act to incorporate the Bowdoin Insurance Company," in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the time within which the capital stock of the Bowdoin Insurance Company is required to be collected and paid in, agreeably to the requisitions of the statute of one thousand eight hundred and thirty-two, chapter ninety-five, be, and is hereby extended one year, from March the twenty-fifth, in the year one thousand eight hundred and thirty-five.

Time extended for paying in capital stock.

[Approved by the Lieut. Governor, March 20, 1835.]

CHAP. LXIV.

An Act in addition to "An Act transferring to the Selectmen of the town of Nantucket the powers and duties of County Commissioners for the county of Nantucket," and for other purposes.

Former acts repealed, so far, &c.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the second and third sections of an act passed on the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and twenty-eight, entitled "an act to establish county commissioners, and to repeal the several acts establishing the courts of sessions, and in addition thereto, and the acts establishing commissioners of highways," be, and they hereby are repealed, so far as they may apply to the county of Nantucket.

Exempted from erecting houses of correction.

Proviso.

SEC. 2. *Be it further enacted,* That the counties of Nantucket and Dukes County, be, and they hereby are exempted from the obligation of erecting houses of correction in the said counties respectively: *provided,* that the town of Nantucket shall, before the first day of June next, authorize the selectmen of said town, to establish the house of industry therein situated, or a suitable portion of the same, as a house of correction for the use of said county; and the said selectmen shall, before the said first day of June next, establish the same accordingly.

[Approved by the Lieut. Governor, March 20, 1835.]

CHAP. LXV.

An Act authorizing Ebenezer Francis to extend his Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Francis, proprietor of a certain wharf in the southerly part of Boston, fronting on Sea street, and adjoining Wales' wharf on the south, and Curtis' wharf on the north, is hereby authorized to extend his wharf into the sea, so far as to strike a straight line, drawn from the northeasterly corner of Wales' wharf to the northeasterly corner of Piper's wharf, and that he shall have, and enjoy the right and privilege of using and occupying the flats, adjacent to said wharf, when so extended, at the end, and at the sides thereof, in the same manner in which he has hitherto occupied and enjoyed the flats adjoining said wharf, as it now is: *provided*, that nothing in this act contained shall in any wise impair or interfere, with the private rights of any other person or persons whatsoever.

Authorized to extend wharf.

[Approved by the Lieut. Governor, March 23, 1835.]

CHAP. LXVI.

An Act to establish the Lee Bank.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Asa G. Welch, Lemuel Bassett, and Walter Laflin, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors, and Company of the Lee Bank, to be established in Lee, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the statutes of one thousand eight hundred and twenty-eight, chapter ninety-six, of one thousand eight hundred and thirty, chapter fifty-eight, and in the second section of the statute of one thousand eight hundred and thirty-three, chapter eighty-three.

Stock transfera-
ble only, &c.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking-house, and in its books, and no part thereof shall be transferred, by way of security, for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Capital.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may

direct: *provided*, the whole be paid in within one year from the passing of this act.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXVII.

An Act to change the name of the First Presbyterian Society in Millbury.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the "First Presbyterian Society in Millbury," shall be known and called by the name of the "Second Congregational Society in Millbury;" and as such, shall hold and possess all the property, and be entitled to all the rights and privileges, and subject to all the liabilities of said Presbyterian Society.*

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXVIII.

An Act in further addition to "An Act to incorporate certain persons into a Company by the name of the South Boston Association."

Previous act to
continue in force.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an act made and passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and five, entitled, "an Act to incorporate certain persons into a company by the name of the South Boston Association," be, and the same is hereby continued in force, until the fourteenth day of June, which will be in the year of our Lord one thousand eight hundred and thirty-eight; any thing in the act to which this is in further addition to the contrary notwithstanding.

May sell at auc-
tion.

SEC. 2. *Be it further enacted,* That the said association may, at any regular meeting, by a major vote, authorize sales to be made, at public auction, of the whole or any part of their property, and pass deeds in conformity to such sales.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXIX.

An Act to incorporate the Berkshire Cotton Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Wilber Curtis, Edward F. Ensign, John C. Coffing, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Berkshire Cotton Company, for the purpose of manufacturing cotton goods, and cotton and woolen machinery, in the town of Great Barrington, in the county of Berkshire, and for those purposes shall have all the powers and privileges, and be subject to all the duties and requirements contained in "the statute of one thousand eight hundred and twenty-nine, chapter fifty-third, defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, not exceeding twenty thousand dollars in value, and such personal estate, not exceeding thirty thousand dollars in value, as may be suitable for the purposes aforesaid.

Real and personal estate.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXX.

An Act to incorporate the Suffolk India Rubber Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James W. Paige, James Andrews, E. Hasket Derby, and Caleb Pratt, Jr., their associates, successors and assigns, be, and they hereby are made a corporation, by the name of "the Suffolk India Rubber Company," for the manufacture of india rubber cloth, clothing, leather, and other fabrics and articles composed wholly or in part of india rubber, in the county of Suffolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-third, defining the general powers and duties of manufacturing corporations.

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding in value the sum of one hundred thousand dollars, as may be suitable and convenient for the purposes aforesaid.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXI.

An Act to incorporate the Warren Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Henry Winsor, John L. Dimmock, and Zachariah Jellison, their associates and successors, be, and they hereby are made a body politic, by the name of the Warren Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses in the customary manner; with all the privileges, and subject to all the duties and obligations, contained in the one hundred and twentieth chapter of the statutes of eighteen hundred and seventeen, and also in the ninety-fifth chapter of the statutes of eighteen hundred and thirty-two, for and during the term of twenty years after the passing of this act.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may purchase, hold and convey, any estate, real or personal, for the use of said company: *provided,* that, the real estate shall not exceed the value of twenty-five thousand dollars; excepting such as may be taken for debt, or held as collateral security, for money due to said company.

Real and personal estate.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid

Amount of capital stock.

in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint.

SEC. 4. *Be it further enacted*, That said company shall never take, on any one risk, a sum exceeding eight per centum on their capital stock.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXII.

An Act to alter the Town Lines between the Towns of Milford, Holliston and Hopkinton.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the dividing lines between the towns of Milford, Holliston and Hopkinton, shall be altered, and shall hereafter be established as follows, to wit: beginning at a heap of stones on the line between the towns of Milford and Hopkinton, at the road near the dwelling house of Samuel McFarland, thence easterly about one and three fourth miles to a stone monument by the side of Deer Brook, so called, thence north, sixty and a half degrees east, twenty-five rods on the line between Hopkinton and Holliston; thence due south, until it comes to the line between the towns of Holliston and Milford; and that part of said Milford, which lies north of the first mentioned line, shall hereafter belong to Hopkinton in the county of Middlesex; and that part of Hopkinton which lies

south of said first mentioned line, shall hereafter belong to Milford, in the county of Worcester; and that part of said Holliston, which lies west of the last mentioned line, shall hereafter belong to said Milford.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXIII.

An Act to repeal "An Act incorporating the Trustees of Mount Carmel Lodge."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an act incorporating the Trustees of Mount Carmel Lodge, be, and the same is hereby repealed. Former law repealed.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXIV.

An Act to incorporate the Boott Cotton Mills.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abbott Lawrence, Nathan Appleton, and John A. Lowell, their asso- Persons incorporated.

ciates, successors and assigns, be, and they hereby are made a corporation, by the name of the Boott Cotton Mills, for the purpose of manufacturing cotton and woollen goods, in the town of Lowell, and county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-three, "defining the general powers and duties of manufacturing corporations."

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of one million of dollars, and that the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of one hundred and fifty thousand dollars, exclusive of buildings and improvements that may be made thereon by the said corporation.

Real estate.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXV.

An Act authorizing Thomas Records and his associates to erect a Wharf in Acoaxet River, in the town of Westport.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Records, and such other persons as now are, or hereafter may be associated with him, be, and they here-

Thomas Records and others, authorized to erect a wharf.

by are authorized and allowed to erect a wharf on the west side of the west branch of Acoaxet river, in said Westport, from the said Thomas Records' land, easterly to the channel, and that they be allowed all the privileges heretofore granted, or that may be hereafter granted to proprietors of wharves in said river, for the use, occupation and accommodation of said wharf: *provided*, that, this grant shall in no wise interfere with the legal rights of any other person or persons.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXVI.

An Act in addition to "An Act to incorporate the Lewis Wharf Company in the city of Boston."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Lewis Wharf Company, and their successors, be, and they are hereby authorized and empowered, to purchase and hold all that tract or parcel of land, wharf, and flats, situate in the city of Boston, including the wharf formerly called Scarlet's or Snow's wharf, bounded westerly on Commercial street, north-easterly by land, wharf, and flats now or lately of Erasmus Thompson, south-easterly by the harbor channel, and south-westerly by the land, wharf, and flats of said Lewis Wharf Company: And said company shall hold the said real estate, when purchased by

Authorized to
purchase and
hold land.

them, with all the powers and privileges, and subject to all the duties and requisitions mentioned in relation to their other property, in the act to which this is an addition.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXVII.

An Act to change the name of the Baptist Society
in Salem.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the "Baptist Society in Salem," shall be known and called by the name of the "First Baptist Society in Salem;" and as such, shall hold and possess all the property, and be entitled to all the rights and privileges, and be subject to all the duties, and liabilities of said Baptist Society.

Name altered.

Hold and possess property.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXVIII.

An Act in addition to an Act, to incorporate the New England Glass Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the New England Glass Company may be lawfully possessed of one hundred thousand dollars in personal estate, in addition to their present authorized capital. Further allowance of capital.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXIX.

An Act to incorporate the Second Congregational Society in Cohasset.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nichols Tower, Jairus Pratt, and Thaddeus Lawrence, proprietors of pews, in the Second Congregational meeting-house in Cohasset, their associates, and successors, are hereby incorporated as a religious society, by the name of the Second Congregational Society in Cohasset; with all the powers and privileges, and subject to all the duties and liabilities by law incident Persons incorporated.

to religious societies legally established in this Commonwealth.

To hold real estate.

SEC. 2. *Be it further enacted*, That said society shall have power to take, purchase, and hold said meeting-house, and any other estate, for the use of said society, and the ministry thereof, and the same to sell, mortgage, or otherwise dispose of: *provided*, the annual income thereof, exclusive of their meeting-house, shall not exceed one thousand dollars.

May assess
Pews, for the
support, &c.

SEC. 3. *Be it further enacted*, That said society may assess upon the pews in their meeting-house, according to a valuation to be agreed on by said corporation, such sums of money as shall be voted to be raised by said society, for the support of public worship, and other parochial charges, and all assessments upon the pews as aforesaid may be collected in the manner provided by the statute of the year one thousand eight hundred and seventeen, chapter one hundred and eighty-nine: *provided*, that no pew in said house shall be liable to be assessed, under the provisions of this act, if, before the vote to assess the tax, the owner of said pew shall file with the clerk of said society, a certificate signifying his unwillingness to be taxed therefor.

Proviso.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXX.

An Act to incorporate the Boston Hydraulic Dock Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Timothy C. Kendall, A. Wallace Thaxter, Jr., Isaac Hall, and Lot Wheelwright, their associates, successors, and assigns, be, and they hereby are made a corporation, by the name of the Boston Hydraulic Dock Company, for the purpose of erecting hydraulic docks in the city of Boston, and of using the same for repairing vessels, with the right to apply steam power and other machinery, for preparing materials therefor.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value thirty thousand dollars, and personal estate not exceeding one hundred and twenty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Real estate.

SEC. 3. *Be it further enacted,* That the property of said corporation shall be divided into shares of one hundred dollars each, and numbered in progressive order, beginning at number one, and certificates thereof, signed by the treasurer, shall be issued to the proprietors accordingly; and the shares aforesaid shall be transferable by endorsement on the back of the said certificates, and the property in said shares shall be vested in the assignee thereof, upon such transfer and delivery, if seasonably recorded by the

Property to be divided into shares, &c.

Shares transferable.

clerk or treasurer of the corporation, and whose duty it shall be to issue new certificates accordingly, and in all meetings of the members of the said corporation for the transaction of business, each proprietor shall be entitled to one vote for every share held by him: *provided*, that no one member shall be entitled to more votes, than shall be equal to one fifth part in value of the corporate property, and members shall have the right to appear and act at any meeting by proxy in writing.

Power to assess
shares, &c.

In case prop-
rieters refuse to pay
assessments.

SEC. 4. *Be it further enacted*, That the said corporation, may, from time to time, at any legal meeting called for that purpose, assess, upon each share, such sum or sums of money, not exceeding one hundred dollars, as shall be judged necessary for effecting the objects of their incorporation, to be paid to the treasurer at such time or times, and by such instalments, as shall be decided by said corporation; and if the proprietor of any share shall refuse or neglect to pay any tax or assessment, duly voted by the said corporation, for the term of thirty days after the time set for the payment of the same, the treasurer is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, sufficient to pay all taxes and assessments which may be then due from such proprietor, with all necessary and incidental charges, after having given notice in some public newspaper in the city of Boston, of the time and place of sale, at least seven days before the same, and such sale shall be a legal transfer of the share or shares, so sold, to the purchaser, who shall be entitled to receive a certificate, or certificates, of the share or shares, by him so purchased.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXXI.

An Act to incorporate the Park Street Congregational Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of pews in Park Street Meeting-house, in the city of Boston, and their successors, are hereby made a corporation, by the name of the Park Street Congregational Society, with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

SEC. 2. *Be it further enacted,* That said society shall have power to take, purchase, and hold, the said meeting-house, and other estate, real or personal, for the use of said society, and the ministry thereof, and the same to sell, mortgage, or otherwise dispose of, as they may see fit: *provided,* the income thereof, exclusive of their meeting-house, and land under and adjoining the same, shall not at any time exceed the sum of three thousand dollars annually.

May hold real and personal estate.

SEC. 3. *Be it further enacted,* That said society shall have power to assess upon the pews in said house, (which now are or hereafter may be held on a condition, or subject to a liability, to pay assessments thereon, for the support of public worship in said house,) according to the valuation thereof heretofore made, or which may be hereafter agreed upon by said society, such sums as shall be by them voted

May assess, for the support of public worship.

to be raised for the support of public worship in said house, and for other parochial charges of said society; and all such assessments may be collected in the manner provided by the statute of one thousand eight hundred and seventeen, chapter one hundred and eighty-nine.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXXII.

An Act to incorporate the Fuller Ministerial Fund in the First Parish in Plymouth.

May elect trustees.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Parish in the town of Plymouth, may, within six months from the passage of this act, elect not less than three, nor more than seven persons, members of said parish, to be trustees of the Fuller Ministerial Fund, who with their successors shall thereafter be constituted a body corporate, by the name of the Trustees of the Fuller Ministerial Fund of the First Parish in Plymouth.

When to elect.

SEC. 2. *Be it further enacted,* That said Parish shall choose once in three years, in the months of March or April, beginning in the year eighteen hundred and thirty-six, said board of trustees, who shall hold their offices during said term of three years, and until others are chosen in their stead, and all vacancies happening during said term, by death, resignation, ceasing to be members of said parish, or

otherwise, shall be supplied by said parish, at a legal meeting called for that purpose, and a majority of said trustees shall constitute a quorum for doing business.

SEC. 3. *Be it further enacted*, That said trustees shall have power to take, hold, and possess, and the deacons of the church of said parish are hereby authorized to convey to them all the property now belonging to said parish, or the church thereof, except their house of worship, and all property which may hereafter accrue to the same by gift, grant, devise, or otherwise, both real and personal, in trust for the use of said parish as a fund, the net income of which shall be appropriated exclusively, under the direction of said parish, towards the support of the gospel ministry in said parish, and no part of the principal shall be expended for that or any other purpose; and should the income, or any part thereof, be added to the principal, then only the proceeds of the accumulated fund shall thereafter be expended, and only for the support of the gospel ministry as aforesaid, and said trustees shall render to said parish annually an account of the state of said fund.

Property to be appropriated to the support of the ministry.

SEC. 4. *Be it further enacted*, That said trustees are hereby empowered to sell all the real estate now belonging to said parish, or the church thereof, except as aforesaid, and convey the same by deed or deeds, and such conveyance shall be effectual to pass the title to the purchaser or purchasers: *provided, however*, that said parish, or the church thereof, authorize such sale or sales, by a vote to that effect, within a year preceding such sale or sales.

May sell real estate.

SEC. 5. *Be it further enacted*, That all grants, devises or donations made, or which may hereafter be made to said trustees, in their said capacity, for the use and benefit of said parish, shall be valid to

Validity of grants, &c.

every intent and purpose, and said trustees may hold and possess funds, consisting of real and personal estate, or either, for the object before specified, the annual income of which shall not exceed the sum of fifteen hundred dollars.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXXIII.

An Act to establish a Fire Department in the town of Duxbury.

Engineers, &c.
to be chosen by
ballot.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Fire Department of the town of Duxbury, shall hereafter consist of a chief engineer, and as many assistant engineers, not exceeding ten in number, as the inhabitants of the town of Duxbury, qualified to vote in town affairs, at their annual meeting for choice of town officers, shall chose by ballot, who shall hold their offices until others are chosen and organized in their stead, and shall have all the powers, perform all the duties, and be liable to all the penalties which are given to, and required of firewards generally, by the laws of this Commonwealth.

Engineers to
choose other officers.

SEC. 2. *Be it further enacted,* That the said chief engineer, and assistant engineers, so chosen, shall within ten days after their acceptance of the trust, meet at some convenient place in said town, and organize themselves into a board, by electing from their number, a clerk, treasurer, and such other

officers as they may deem necessary for their complete organization, and the chief engineer shall be chairman of the board, whose duty it shall be to notify the first meeting of the board of engineers.

SEC. 3. *Be it further enacted,* That the said board of engineers be, and they are hereby authorized and required, to exercise all the powers, and perform all the duties, in relation to the nomination and appointment of enginemen, which the selectmen of the said town have been heretofore by law authorized and required to exercise and perform, and all appointments made by said engineers pursuant to this act, shall subject the persons thus appointed to the same duties, and entitle them to the same privileges, and exemptions, as enginemen are by law entitled to, when appointed by the selectmen: *provided, however,* Engineers to nominate, &c. as heretofore. that they shall not be exempted from military duty, unless they shall produce to the commanding officer of the company, within whose bounds they reside, in the month of May, in each year, certificates of their appointment, signed by the chief engineer, or clerk of the board of engineers. Proviso.

SEC. 4. *Be it further enacted,* That the said board of engineers be, and they hereby are authorized and empowered, to appoint such number of men to the engines, hose, hook, and ladder carriages, as they shall think expedient: *provided,* that the number of men appointed to each hydraulion, or suction hose engine, shall not exceed forty, and to each common engine thirty, to each hose carriage five, and to hooks and ladders twenty, and the said engine, hose, hook and ladder carriage men, are authorized to organize themselves into distinct companies, under the directions of the board of engineers, to elect directors or captains, clerks, and other ne- Engineers to appoint enginemen, &c.

Officers to establish rules and regulations.

cessary officers, to establish such rules and regulations as may be approved by the board of engineers, and to annex penalties to the same, which may be recovered by the clerk of any company so organized, before any justice of the peace in the county of Plymouth: *provided*, that no penalty shall exceed the sum of five dollars; and that such rules and regulations shall not be repugnant to the constitution and laws of the Commonwealth, and said penalties shall be appropriated to the use of said companies severally as they shall direct.

Engineers to have the care of the engines, &c.

SEC. 5. *Be it further enacted*, That the said board of engineers shall have the care and superintendence of the public engines, hose, fire-hooks and ladder carriages and ladders, together with the buildings, fixtures, and appendages thereto belonging; and shall cause the same to be kept in repair, and may from time to time make such alterations and improvements therein, as they shall deem expedient: *provided*, the sum expended shall not exceed, in any one year, the sum of fifty dollars, unless the said town of Duxbury shall have authorized a larger appropriation.

Engineers to establish rules and ordinances.

SEC. 6. *Be it further enacted*, That the said board of engineers, at any meeting thereof, may establish such rules and ordinances as they may judge proper, to prohibit or regulate the carrying of fire, fire-brands, lighted matches, or other ignited matter, openly in the streets or thoroughfares of said town, or in such parts thereof as they may designate, and to prohibit any owners or occupants of any buildings within said town, or such parts thereof as such board may designate, from erecting or maintaining any defective chimney, hearth, oven, stove or stove-pipe, fire-frame, or other fixtures, deposit of

ashes, or any mixture, or other material, which may produce spontaneous combustion, or whatever else may give just cause of alarm, or may be the means of kindling or spreading fires. *Provided*, such rules and ordinances shall not be repugnant to the constitution and laws of this Commonwealth, and shall not be binding until the same shall have been approved by the inhabitants of said town, in legal meeting held for that purpose; and the said board of engineers may annex suitable penalties for the breach of any of said rules and ordinances, not exceeding the sum of fifteen dollars for any one breach thereof, and the same may be prosecuted for, and collected before any justice of the peace for the county of Plymouth, not being an inhabitant of the said town of Duxbury, in the name of the chief engineer, and all penalties so recovered shall be appropriated by the said board of engineers for the improvement of the fire apparatus of said town.

SEC. 7. *Be it further enacted*, That the said board of engineers shall report to the said town at their annual meeting for the choice of town officers, a full and detailed report of all their doings the past year. Engineers to report.

SEC. 8. *Be it further enacted*, That this act shall take effect when the same shall be accepted by the said town of Duxbury, at any legal meeting called for that purpose, at which meeting the engineers provided for in this act shall be elected as herein prescribed, and any vacancies that shall at any time occur in said board of engineers may be filled at any town meeting legally notified, and all persons elected as engineers shall be notified of their election, and make known their acceptance or refusal in the same manner, and be subject to the same penalties for neglecting so to do, as are established by law. Act when to take effect.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXXIV.

An Act to incorporate the Samaritan Asylum for Indigent Children.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Mary S. Parker, Abigail Pico, Hepzibah Sullivan, Susan Paul, with their associates and successors, are hereby incorporated, by the name of the Samaritan Asylum for Indigent Children, for the purpose of providing for the support and education of indigent children, especially among the colored population.*

Real and per-
sonal estate.

SEC. 2. *Be it further enacted, That said corporation may hold and manage such real and personal estate, not exceeding in value twenty-five thousand dollars at any one time, as may be necessary or convenient for the purposes of this act.*

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXXV.

An Act limiting the tenure of the Office of Inspector.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several in-*

spectors required by law to be appointed by the governor and council shall hold their respective offices for the term of five years from the time of their respective appointments, unless sooner removed by the governor and council.

Inspectors to hold their offices five years.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after the first day of May next: *provided, however*, that nothing in this act shall be so construed as to prevent the governor, with the advice and consent of the council, from appointing and commissioning the inspectors aforesaid, before the said first day of May.

Act when to take effect.

[Approved by the Lieut. Governor, March 27, 1835.]

CHAP. LXXXVI.

An Act to incorporate the Warren Iron and Steel Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Heman Holmes, John French, John H. Bird, and Josiah Dunham, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Warren Iron and Steel Company, for the purpose of manufacturing in the city of Boston, in the county of Suffolk, all kinds of iron and steel ware, and articles for plating, painting and enamelling the same, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the statute of one thous-

Persons incorporated.

and eight hundred and twenty-nine, chapter fifty-three, defining the general powers and duties of manufacturing corporations.

Real and personal estate.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate in said Boston, not exceeding in value the sum of one hundred thousand dollars, and such personal estate not exceeding in value the sum of one hundred thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. LXXXVII.

An Act in addition to "An Act establishing a Fire Department in the Town of Cambridge."

Appointment of firemen.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the engineers, enginemen, hosemen, and hook and ladder men, whom the selectmen of the town of Cambridge are, by the act to which this is an addition, authorized to appoint, shall hereafter be appointed, annually, on the first Wednesday in April, or as soon thereafter as may be; any thing in the act to which this is in addition to the contrary notwithstanding.

Exempted from military duty by producing certificate from selectmen.

SEC. 2. *Be it further enacted,* That no member of said fire department who shall be appointed a member thereof in the month of April, and who shall have produced within thirty days after he shall

have become a member thereof, to the commanding officer of the military company within whose bounds he may reside, a certificate from the selectmen of Cambridge, stating that he is a member of said department, shall be held to produce such certificate in the month of May next following the time of his appointment; and the production of such certificate to such commanding officer, by any member of said department, appointed in the month of April, within thirty days after such appointment, shall exempt such member from military duty so long as he shall remain a member of said fire department; any thing in the act to which this is in addition to the contrary notwithstanding.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. LXXXVIII.

An Act in addition to an Act to incorporate the
Merchants Marine Railway Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Merchants Marine Railway Company, be, and they are hereby authorized and empowered to purchase, construct, hold and use one or more hydraulic docks, and all other machinery and improvements necessary or useful in the building and repairing of vessels.

Empowered to hold hydraulic docks, &c.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. LXXXIX.

An Act concerning the Proprietors of Mills on Concord River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all laws heretofore passed to prevent obstructions to the passage of fish, and all laws obliging the proprietors of mills to leave a passage in their dams for said fish, be, and they are hereby repealed, so far as they relate to, or affect the proprietors of mills on the Concord river.

Former laws repealed.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. XC.

An Act in addition to the Act regulating Pilotage in the Port of Newburyport.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the second section of the statute to which this is in addition, be, and the same hereby is repealed.

Part of act repealed.

Pilot must obtain commission or branch before, &c.

SEC. 2. *Be it further enacted,* That no person shall undertake to pilot any vessel into or out of the river Merrimac, drawing eight feet of water or more.

coasters and fishing vessels excepted, without having first obtained a commission or branch, as is provided in the act aforesaid.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. XCI.

An Act to incorporate the American Copper Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas N. French, Thomas Richardson, and John French, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the American Copper Company, for the purpose of procuring and manufacturing copper, (said manufacture to be carried on in the county of Suffolk,) with all the powers and privileges, and subject to all the duties and requisitions contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-third, defining the general powers and duties of manufacturing corporations. Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may lawfully hold and manage such real estate not exceeding in value two hundred thousand dollars, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary for carrying into effect the purposes of this act. Real estate.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. XCII.

An Act in addition to "An Act establishing a Fire Department in the town of Hingham."

Act, when to
take effect.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the provisions of "an act establishing a Fire Department in the town of Hingham," shall take effect, as soon as the same shall have been accepted by a majority of the citizens of Hingham, present at a meeting legally notified for that purpose, and qualified to vote in town affairs, any thing in the seventh section of said act notwithstanding.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. XCIII.

An Act in further addition to "An Act to regulate the jurisdiction and proceedings of Courts of Probate."

Judges of Probate have the same authority to empower, &c.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Judges of Probate shall have the same authority to empower guardians to compound and settle with the debtors of their wards, and discharge such debtors on their paying a

part of the debt due to the estate of such wards, which said judges now have, or hereafter may by law have, to empower executors and administrators to compound and settle with the debtors of persons deceased.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. XCIV.

An Act authorizing Nehemiah Baker and others to build a Bridge in Dennis.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nehemiah Baker, Eleazar Nickerson, and Samuel Rogers, together with their associates, successors, and assigns, are hereby authorized to build a free bridge over Swan Pond River, in the town of Dennis, from the land and meadow of the heirs of Joseph Killey on the east of said river, to the land and meadow of the heirs of Reuben Baker on the west of said river: *provided*, said bridge be built within three years from the passage of this act.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said bridge shall be built on piles of good materials, and in a workmanlike manner, with suitable abutments thereto, and not less than fourteen feet wide, the under part thereof not less than four feet above high water mark at common tides, and shall have sufficient rails on each side for the protection of travellers, together

Manner in which bridge is to be built.

Town to keep
bridge in repair.

with a good and sufficient causeway, from the abutments over the meadow, to the upland on each side, on the line of the road, as the same may be located by the county commissioners; and the town of Dennis shall forever maintain and keep in repair said bridge and causeway after the same shall have been built, unless the county commissioners shall otherwise determine and decide, and no toll shall ever be demanded of any person or persons, who shall pass over said bridge.

[Approved by the Lieut. Governor, March 30, 1835.]

CHAP. XCV.

An Act to incorporate the Fall River Mill Road, Rail-Road, and Ferry Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Henry Gardner, Andrew Robeson, Harvey Chase, Samuel Rodman, Jr., Charles W. Morgan, Leander P. Lovell, and William Wilbour, their associates, successors, and assigns, be, and they hereby are made a body politic and corporate, under the name of the "Fall River Mill Road, Rail-Road, and Ferry Company," with the powers and requirements, and subject to the provisions contained in an "act concerning corporations," passed the eighth day of March, in the year of our Lord eighteen hundred and thirty-three, and an "act for defining the rights and duties of rail-road*

corporations, in certain cases," passed March the twenty-sixth, in the year of our Lord eighteen hundred and thirty three, and an "act for the more speedy recovery of damages caused by the laying out of highways and rail-roads," passed March thirty-first, in the year of our Lord eighteen hundred and thirty-four. And said corporation shall be, and hereby is vested with the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth.

Corporation
vested with powers,
&c.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of not less than two thousand, nor more than three thousand shares of one hundred dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in five directors, who shall be chosen by the members of the corporation in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified to take their place as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall also be president of the corporation; and said directors shall choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties, to the satisfaction of the directors, for the faithful discharge of his trust.

Capital stock.

Government.

SEC. 3. *Be it further enacted,* That said corporation be, and they hereby are authorized to establish and support a ferry across Taunton Great River, in the county of Bristol, from the easterly shore of said river, between the line of the northerly side of

Authorized to establish a ferry.

the land, and the southerly side of the wharf of Andrew Robeson, to the western shore of said river, opposite the village of Fall river, in the town of Somerset; and to extend into said river there, and maintain on each side of the ship channel thereof, suitable and sufficient ferry-wharves.

Landing places.

Lay out road,
location, &c.

SEC. 4. *Be it further enacted,* That said corporation be, and they hereby are authorized to lay out sufficient landing places on each side of said river, suitable for the accommodation of said ferry; and to lay out, make and maintain a good and sufficient road, to extend from the landing place located at the termination of said ferry, on the easterly side of said river, to South Main street, in said village of Fall River, or to some one of the public streets leading into said South Main street, and to extend from the landing place, located at the termination of said ferry on the westerly side of said river, over the Narrows on Lee's river, and over Cole's river at the town landing, in the town of Swanzey, to the line of the State of Rhode Island, near Barnaby's corner. And the said corporation are authorized to lay out said road, not exceeding four rods in width, and shall keep the same in good repair.

Authorized to
erect a bridge,
location, &c.

SEC. 5. *Be it further enacted,* That said corporation be, and they hereby are authorized and required to erect and keep in good repair a bridge over the Narrows, on Lee's river, and a bridge over Cole's river, at the town landing in Swanzey, with a draw in said bridge over the Narrows, of sufficient width and suitable construction for the convenient passing of such vessels up and down said Lee's river, as cannot conveniently pass under said draw. And the said corporation shall also construct such convenient draw in the said bridge over Cole's river:

provided, the public wants shall at any time require, and the legislature shall order it.

SEC. 6. *Be it further enacted*, That the said corporation shall have power, and they hereby are authorized to build and maintain such abutments, piers, and dams contiguous to said bridges, on either side thereof, and to excavate and keep open or close such passage ways for the tide waters there, as may be necessary for the purposes of erecting and propelling tide-mills, for the grinding of grain: *provided, nevertheless*, that said corporation shall construct and keep constantly in good repair sufficient gateways in the channels of said Cole's and Lee's rivers, for the safe and convenient passing and repassing of vessels, at all suitable times, free of toll. And said corporation shall be held liable to raise the draws and open such passage ways, and to afford all reasonable accommodation to vessels having occasion to pass at all seasonable times. And if any vessel shall be unreasonably detained in passing said bridges, or either of them, by the negligence of said corporation, the owner or commander of said vessel may recover reasonable damages therefor of the said corporation, in an action of the case, before any court proper to try the same: and, *provided, further*, that the passage ways for the passage of fish shall at all times be kept open in said bridges.

Authorized to build abutments, &c.

To construct gateways.

May recover damages for being unreasonably detained.

SEC. 7. *Be it further enacted*, That the said corporation shall provide, and at all times keep a good steam ferry boat, or other boat of sufficient power to cross at said ferry; and shall afford necessary and proper accommodations, and give due attendance to all persons having occasion to pass over said ferry; and, in case of any neglect, the said corporation shall forfeit and pay the same sum which is forfeited by

Shall keep a steam ferry boat to cross ferry.

the like neglect by virtue of the provisions of an act entitled "an act for regulating ferries," passed the fourteenth day of February, in the year of our Lord seventeen hundred and ninety-seven, to be recovered and appropriated in the same way provided for in the act last named.

Power to recover tolls, from the time of, &c.

Rates of tolls.

SEC. 8. *Be it further enacted,* That it shall be lawful, and when said ferry-wharves and bridges shall be built, and said road extended from said ferry to the said town landing in Swanzey, the said corporation shall have power to demand, recover and receive, to the use of said corporation, ferriage, from the time of one hour before sunrise in the morning, to the hour of nine of the clock in the evening, not exceeding the following rates, viz: for each coach, chariot, phæton, curricule, carryall, or other four wheel spring carriage, and for sleighs, used for pleasure, or for the carriage of passengers, and drawn by four horses, fifty cents; for the like, drawn by two horses, thirty-eight cents; for the like, drawn by one horse, twenty-five cents; for a chaise, sulkey, or other two wheel spring carriage, for pleasure or passengers, drawn by one horse, twenty-five cents; for sleds, wagons, carts, and other vehicles, not for pleasure or the carriage of passengers, but for other burdens, and drawn by one horse or other beast, fifteen cents; for each additional beast, in all cases, not herein otherwise provided for, ten cents; for one person and horse, ten cents; for each foot passenger, six cents; for each wheel barrow, hand cart, or the like, eight cents; for drift calves and colts, under one year old, each two cents; for one neat creature, ten cents; and for each additional neat creature, five cents; for sheep, lambs and swine, each, one cent; allowing with each carriage not used for

the carriage of passengers, or for pleasure mainly, but for the carrying of burdens, and drawn by one horse, one person, and with such carriages drawn by more than one horse or other beast, two persons only, to pass free of ferriage. And from the hour of nine of the clock in the evening, to the time of one hour before sunrise in the morning, said corporation shall have power to demand, recover and receive, to the use of said corporation, such other reasonable rates of ferriage, as the directors of said corporation shall from time to time agree upon and establish. And the load for a carriage drawn by two beasts shall not, including the carriage, exceed five thousand pounds, and not more than one thousand five hundred pounds shall be allowed for each additional beast; and no carriage shall be allowed to carry over said ferry a load which with the carriage shall exceed eight thousand pounds. And for the ferriage of such beasts, vehicles or other things, as are not herein provided for, the said corporation shall have power to demand, recover and receive, to the use of said corporation, such other reasonable rates as the said directors shall from time to time establish: *provided, nevertheless*, that the said corporation shall not, at any time, demand or receive of any person or persons, for passing over or upon the ferry-road and bridges, herein before described, or either of them, or any portion thereof, any other tolls than the ferriage as provided for in this act. And the legislature shall have the right, at any time, after the expiration of ten years from the passage of this act, to alter and regulate the rates of ferriage to be received by said corporation. And upon the ferry boats there shall be kept and constantly exposed to view, a sign-board, with the rates of ferriage fairly and legibly written thereon.

Time of demanding tolls.

Restrictions, as respects weight of loads, &c.

Directors to establish rates.

Proviso.

Legislature shall have right to alter, &c.

Privileges, duties, &c.

SEC. 9. *Be it further enacted,* That the said corporation shall be entitled to the privileges and immunities, and be subject to the duties and bound by the provisions, granted, imposed and contained in the act entitled "an act for the support and regulation of mills," passed the twenty-seventh day of February, in the year of our Lord seventeen hundred and ninety-six, and the several acts in addition thereto, which are now in force.

Corporation liable for damages.

SEC. 10. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any persons or corporations, by taking their lands for any of the purposes aforesaid, when the same cannot be obtained by voluntary agreement, to be estimated and recovered in manner provided by law.

Time of annual meeting, choice of directors, &c.

SEC. 11. *Be it further enacted,* That the annual meeting of the members of said corporation shall be holden on the first Monday of May, at such hour and place as the directors for the time being shall appoint, at which meeting, or at an adjournment thereof, the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares: *provided,* that no proprietor shall be entitled to more votes than one tenth the number of the shares of the stock of said corporation.

Proviso.

To exercise all the powers herein granted, to purchase, &c.

SEC. 12. *Be it further enacted,* That the said corporation are hereby authorized and empowered by themselves, the president and directors thereof, for the time being, or their agents, to exercise all the powers herein granted, and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines, cars and other neces-

sary things for the use of the roads, mills and ferry named in this act, and for the transportation of persons, goods and merchandize ; and to make such equal assessments from time to time, on all the shares in said corporation, as they shall deem expedient and necessary. And in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after due notice from the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving thirty days notice thereof, to the highest bidder, and the same shall be transferred to the purchaser ; and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares sell for less than the assessments due thereon, with interest and costs of sale ; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with the interest and costs of sale : *provided, however,* That no assessments shall be laid upon any share in said corporation of a greater amount, in the whole, than one hundred dollars on a share.

In case of neglect to pay assessment.

Proviso.

SEC. 13. *Be it further enacted,* That when the lands or other property of any married woman, infant, or other person who is under guardianship, shall be necessary for the purposes of the several grants in this act contained, the husband of such married woman, and the guardian of such infant, or other person, may release all damages for any lands, or estates, taken and appropriated for the purposes aforesaid, as they might do if the same were holden by them in their own right respectively.

Persons under guardianship.

SEC. 14. *Be it further enacted,* That the said corporation be, and they hereby are authorized and

Authorized to construct a branch rail-road.

empowered to construct and complete a rail-road from the western shore of Taunton great river, opposite the village of Fall river, to meet the Boston and Providence rail-road at or near India Point bridge, in the town of Seekonk, through all that portion of the course of said rail-road that is included within the bounds and jurisdiction of this Commonwealth.

Authorized to lay out a road, &c.

And for this purpose the said corporation are authorized to lay out their road, not exceeding five rods wide; and for the purpose of cuttings, embankments, and for procuring stone and gravel, may take so much more land as may be necessary for the proper construction and security of said rail-road; and the course and direction of said rail-road shall be as

Location of the route, &c.

follows:—beginning at station number one, on the western shore of Taunton great river, on land of William Slade, in the town of Somerset, and thence proceeding north, thirty-eight degrees west, forty-six hundred and twenty feet, to station number two; thence proceeding in a curve with a radius of one mile to and over the Narrows, on Lee's river, to station number three, which is north fifty-one degrees west from station number two; thence proceeding north, sixty-six degrees and thirty minutes west, sixty-two hundred and seventy feet, to station number four, on the north-westerly end of Long Point, in the town of Swansey, and proceeding thence in a curve with its centre to the south, and with a radius of ten miles across Cole's river to station number five, which is north sixty-eight degrees and thirty minutes west, from station number four; thence proceeding north, seventy-one degrees and thirty minutes west, nineteen hundred and eighty feet, to station number six; thence proceeding in a curve having its centre to the south, with a radius of one mile, to station number seven, which is north,

seventy-five degrees west, from station number six ; thence proceeding north, seventy-seven degrees west, five hundred and twenty-eight feet, to station number eight, which is in the boundary line between this Commonwealth and the State of Rhode Island and Providence Plantations, and in the line between the towns of Swansey and Warren ; then commencing at station number ten, in the line between this Commonwealth and said State of Rhode Island, and in the line between the towns of Barrington and Seekonk, and proceeding thence north, fifty degrees and thirty minutes west, eighty hundred and fifty-two feet to station number eleven ; thence proceeding in a curve with its centre to the north, and with a radius of one mile, to station number twelve, which is north, thirty-four degrees west, from station number eleven ; thence proceeding north, thirteen degrees west, thirty-eight hundred and twenty-eight feet, to station number thirteen ; thence proceeding in a curve, with a radius of ten miles, and having its centre to the north, to station number fourteen, which is north, eleven degrees west, from station number thirteen ; thence proceeding north, ten degrees west, twenty-three hundred and ten feet to station number fifteen ; thence proceeding in a curve, with its centre to the west, and with a radius of twenty hundred and forty-six feet, to station number sixteen, which is north, forty degrees west, from station number fifteen ; thence proceeding in a curve, with its centre to the east, and with a radius of twenty-six hundred and forty feet, to station number seventeen, which is north, fifty-five degrees west, from station number sixteen ; thence proceeding north, fifteen degrees west, twenty-five hundred and seventy-four feet, to station number eighteen ; thence proceeding in a curve, with its

Location of the
route, &c.

centre to the east, and with a radius of nine hundred and ninety feet, to station number nineteen; which is north, sixteen degrees east, from station number eighteen; thence proceeding north, fifty-five degrees east, thirteen hundred and twenty feet, to the Boston and Providence Rail-road, near India Point bridge, in the town of Seekonk.

Corporation to
make fences.

SEC. 15. *Be it further enacted,* That said corporation shall be bound to make, and forever maintain legal and sufficient fences on each side of said rail-road; and in case they shall neglect so to do, they shall be liable to the owners of the adjoining lands for all damages arising from such neglect, in an action of debt, to be brought in any court proper to try the same.

How to construct
road, &c.

SEC. 16. *Be it further enacted,* That if the said rail-road, in the course thereof, shall cross any private way, the said corporation shall so construct said rail-road as not to obstruct the safe and convenient use of such private way; and if said rail-road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury; and if said rail-road shall, in the course thereof, cross any canal, turnpike, or other highway, the said rail-road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway.

Power to raise or
lower turnpike,
&c.

And said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the said rail-road, if necessary, may conveniently pass under or over the same. And in case said corporation shall unreasonably neglect to make such alterations or amendments as the county commissioners for said county of Bristol, shall, according to

the provisions of an act entitled, "an act for defining the rights and duties of rail-road corporations, in certain cases," passed the twenty-sixth day of March, in the year of our Lord eighteen hundred and thirty-three, determine to be reasonable and proper, the proprietors of any such turnpike, or the selectmen of the town where the portion of the said highway or private way so crossed by said rail-road is situate, as the case may be, may proceed to make such alterations or amendments, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover reasonable damages for all charges, disbursements, labor and services occasioned by making such alterations or amendments, with costs of suit.

SEC. 17. *Be it further enacted,* That a toll be, Tolls, &c. and hereby is granted and established for the sole benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed or transported upon said rail-road, at such rates per mile as may be agreed upon and established, from time to time, by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said rail-road, shall be in conformity with such rules, regulations and provisions as the directors shall, from time to time, prescribe and direct, and said rail-road may be used by any persons who shall comply with such rules and regulations: *provided, however,* that, if at the expi- Proviso ration of ten years from and after the completion of said rail-road, the net income or receipt from tolls and other profits, taking the ten years aforesaid as

the basis of calculation, shall have amounted to more than ten per cent. per annum, upon the cost of the rail-road, the legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner, as to take off the overplus for the next ten years, calculating the amount of transportation upon the rail-road to be the same as in the ten preceding years; and at the expiration of every ten years thereafter, the same proceedings may be had: *provided, further*, that the legislature shall not, at any time, so reduce the tolls and profits as to produce less than ten per centum, upon the cost of the said rail-road, without the consent of the said corporation.

State may authorize, &c.

May purchase the rail-road.

SEC. 18. *Be it further enacted*, That the state may authorize any company to enter with another rail-road at any point of this rail-road, paying for the right to use the same, or any part thereof, such a rate of toll as the legislature may from time to time prescribe, and complying with such rules and regulations as may be established by virtue of the provisions of this act: *provided, also*, that it shall be in the power of the government of this Commonwealth, at any time, during the continuance of the charter hereby granted, after the expiration of twenty years, to purchase of the said corporation, the said rail-road and all the franchises, property, rights and privileges of the said corporation, by paying therefor the amount expended by said corporation; and in case at the time of making such purchase the said corporation shall not have received a net income equal to ten per cent. per annum, on the said expenditures, from the time of the payment thereof by the stockholders, by paying the said corporation such additional sum as, together with the profits of every kind which they shall have received, will be

equal to a net profit of ten per cent. per annum on the expenditures of said corporation, from the date of the payment thereof by the stockholders of said corporation, to the time of such purchase.

SEC. 19. *Be it further enacted,* That it shall be the duty of the directors of said corporation, from year to year, to make report to the legislature, under oath or affirmation, of their acts and doings, receipts and expenditures, under the provisions of this act. And their books shall at all times be open to the inspection of any committee of the legislature appointed for that purpose. And if said corporation shall unreasonably neglect or refuse to make such report, at the expiration of every year after the opening of said rail-road, for every such neglect or refusal they shall forfeit and pay to the use of the Commonwealth a sum not exceeding five thousand dollars, to be recovered by action or indictment in any court of competent jurisdiction.

Corporation to report to the legislature, &c.

In case of neglect to report, shall forfeit, &c.

SEC. 20. *Be it further enacted,* That the directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll-gatherers, and demand toll upon said rail-road, when completed, and upon such parts thereof as shall from time to time be completed.

Authorized to erect toll houses, &c.

SEC. 21. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their lands or other property for said rail-road, when the same cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided for by law.

Corporation liable for damages, &c.

SEC. 22. *Be it further enacted,* That if any person shall wilfully and maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage

Corporation to recover for damages to road, &c.

on said rail-road, or in any way spoil, injure or destroy said rail-road, or any part thereof, or any thing belonging thereto, or any material or implement to be employed in the construction, or for the use of said rail-road, he, she, or they, or any person or persons assisting, aiding or abetting, in such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for and recovered before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation; and the offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences, contrary to the foregoing provisions; and on conviction thereof before any court competent to try the same, shall pay a fine not exceeding one hundred dollars, nor less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom such conviction may be had.

Offenders liable
to indictment.

Fine on conviction.

Authorized to
construct
bridges.

SEC: 23. *Be it further enacted,* That the said corporation be, and they hereby are authorized and empowered to erect for the sole and exclusive accommodation of the travel on said rail-road, where the same crosses Cole's River and Lee's River, in the towns of Swansey and Somerset, suitable bridges of such materials and form, and of such width, not exceeding four rods, as they may judge best for the safe and convenient accommodation of said rail-road: *provided, always,* that there be made proper and sufficient passages for the water at each of said bridges, and that there be made and kept in good re-

pair sufficient draws or passage ways for the convenient and safe passing and repassing of vessels at all suitable times free of toll. And the said corporation shall be held liable to raise the draws, or open such passage ways, and to afford all reasonable accommodation to vessels having occasion to pass at all seasonable times. And if any vessel shall be unreasonably detained in passing said bridges, or either of them, by the negligence of said corporation, the owner or commander of said vessel may recover reasonable damages therefor, of the said corporation, in an action on the case, before any court proper to try the same.

Damages for detaining vessels in passing bridges.

SEC. 24. *Be it further enacted,* That said corporation shall constantly maintain in good repair all bridges, abutments and embankments, which they may construct for the purpose of conducting their rail-road over any canal, turnpike, or other highway or private way, or for conducting such private way, turnpike or other highway over said rail-road.

Bridges, &c. to be kept in good repair.

SEC. 25. *Be it further enacted,* That if the said corporation shall fail to complete said rail-road, on or before the first day of December, in the year of our Lord one thousand eight hundred and forty-one, or if said corporation shall not build the ferry-wharves and bridges, and extend and complete the said ferry-road to the said town landing in Swanzey, which are severally referred to in the eighth section of this act, on or before the first day of December, which will be in the year of our Lord eighteen hundred and thirty-eight, then this act shall be null and void.

In case the corporation fail to complete the bridges, &c.

[Approved by the Lieut. Governor, March 31, 1835.]

CHAP. XCVI.

An Act to incorporate the Proprietors of the Cemetery of Mount Auburn.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Story, John Davis, Jacob Bigelow, Isaac Parker, George Bond, and Charles P. Curtis, together with such other persons as are proprietors of lots in the Cemetery at Mount Auburn, in the towns of Cambridge and Watertown, in the county of Middlesex, and who shall in writing signify their assent to this act, their successors and assigns, be, and they hereby are created a corporation, by the name of the Proprietors of the Cemetery of Mount Auburn, and they shall have all the powers and privileges, contained in the statute of the year one thousand eight hundred and thirty-three, chapter eighty-three.

Persons incorporated.

May hold additional land, not to exceed fifty acres.

May hold personal estate, &c.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold in fee simple the garden and cemetery at Mount Auburn, now held by the Massachusetts Horticultural Society, and any other lands adjacent thereto, not exceeding fifty acres in addition to said garden and cemetery, upon the same trusts, and for the same purposes, and with the same powers and privileges, as the said Massachusetts Horticultural Society now hold the same, by virtue of the statute of the year one thousand eight hundred and thirty-one, chapter sixty-nine; and may also take and hold any personal estate not exceeding

in value fifty thousand dollars, to be applied to purposes connected with, and appropriate to the objects of said establishment.

SEC. 3. *Be it further enacted,* That all persons who shall hereafter become proprietors of lots in said cemetery, of a size not less, each, than three hundred square feet, shall thereby become members of the said corporation.

Persons when to become proprietors.

SEC. 4. *Be it further enacted,* That the officers of the said corporation shall consist of not less than seven nor more than twelve trustees, a treasurer, secretary, and such other officers as they may direct. The trustees shall be elected annually at the annual meeting, and shall hold their offices until others are chosen. And they shall choose one of their number to be president, who shall be also president of the corporation; and they shall also choose the secretary and treasurer, either from their own body or at large.

Officers, their number, &c.

And the said trustees shall have the general management, superintendence and care of the property, expenditures, business, and prudential concerns of the corporation, and of the sales of lots in the said cemetery, and they shall make a report of their doings to the corporation, at their annual meeting.

Trustees to have the management, &c.

The treasurer shall give bonds for the faithful discharge of the duties of his office, and shall have the superintendence and management of the fiscal concerns of the corporation, subject to the revision and control of the trustees, to whom he shall make an annual report, which shall be laid before the corporation at their annual meeting. And the secretary shall be under oath for the faithful performance of the duties of his office, and shall record the doings at all meetings of the corporation and of the trustees.

Treasurer to give bonds, &c.

Secretary to take oath, &c.

Annual meeting. SEC. 5. *Be it further enacted,* That the annual meetings of said corporation shall be holden at such time and place as the by-laws shall direct, and the secretary shall give notice thereof, in one or more newspapers, printed in Boston, seven days at least before the time of meeting. And special meetings may be called by the trustees in the same manner, unless otherwise directed by the by-laws; or by the secretary, in the same manner upon the written request of twenty members of the corporation. At all meetings a quorum for business shall consist of not less than seven members; and any business may be transacted, of which notice shall be given in the advertisements for the meeting, and all questions shall be decided by a majority of the members present, and voting, either in person or by proxy.

Meetings, how to be called.

Quorum for business.

Transfer. SEC. 6. *Be it further enacted,* That as soon as the said corporation shall have received, from the Massachusetts Horticultural Society, a legal conveyance of the said garden and cemetery at Mount Auburn, the Massachusetts Horticultural Society shall cease to have any rights, powers and authorities, over the same, and all the rights, powers and authorities, trusts, immunities and privileges, conferred upon the said society, and upon the proprietors of lots in the said cemetery, in, and by virtue of the first section of the statute of the year one thousand eight hundred and thirty-one, chapter sixty-nine, shall be transferred to, and exercised by the corporation created by this act; and the same shall to all intents and purposes apply to the said corporation, and all proprietors of lots in the said cemetery, with the same force and effect as if the same were herein specially enacted, and the said corporation substituted for the Massachusetts Horticultural Society hereby.

SEC. 7. *Be it further enacted,* That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave-stone, or other structure, placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave-stone, or other structure aforesaid, or of any cemetery lot, within the limits of the garden and cemetery aforesaid, or shall wilfully destroy, remove, cut, break or injure any tree, shrub or plant, within the limits of the said garden and cemetery, or shall shoot or discharge any gun or other fire-arm within the said limits, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace, or other court of competent jurisdiction, within the county of Middlesex, be punished by a fine not less than five dollars, nor more than fifty dollars, according to the nature and aggravation of the offence; and such offender shall also be liable, in an action of trespass, to be brought against him in any court of competent jurisdiction, in the name of the proprietors of the cemetery of Mount Auburn, to pay all such damages as shall have been occasioned by his unlawful act or acts, which money, when recovered, shall be applied by the said corporation, under the direction of the board of trustees, to the reparation and restoration of the property destroyed, or injured as above, and members of the said corporation shall be competent witnesses in such suits.

Penalty for destroying, &c.

Offender liable in an action of trespass &c.

SEC. 8. *Be it further enacted,* That the lots in said cemetery shall be indivisible, and upon the death of any proprietor of any lot in the said cemetery, containing not less than three hundred square feet, the devisee of such lot, or the heir at law, as the case may be, shall be entitled to all the privileges of

In case of the death of any proprietor, devisee or heir at law, entitled to, &c.

When more than one devisee or heir at law, trustees to designate, &c.

Preference to be given to males.

Lawful for corporation to hold any grant, &c. of property.

Supreme court to have power to compel performance of said trusts. &c.

Proprietors of lots becoming members shall cease, &c.

membership as aforesaid; and if there be more than one devisee or heir at law, of such lot, the board of trustees for the time being shall designate which of the said devisees or heirs at law, shall represent the said lot, and vote in the meetings of the corporation, which designation shall continue in force, until by death, removal or other sufficient cause, another designation shall become necessary; and in making such designation, the trustees shall, as far as they conveniently may, give the preference to males over females, and to proximity of blood and priority of age, having due regard however to proximity of residence.

SEC. 9. *Be it further enacted,* That it shall be lawful for the said corporation to take and hold any grant, donation or bequest of property, upon trust, to apply the income thereof, under the direction of the board of trustees, for the improvement or embellishment of the said cemetery, or of the garden adjacent thereto, or of any buildings, structures or fences erected, or to be erected upon the lands of the said corporation, or of any individual proprietor of a lot in the cemetery, or for the repair, preservation, or renewal of any tomb, monument, grave-stone, fence or railing, or other erection, in or around any cemetery lot, or for the planting and cultivation of trees, shrubs, flowers or plants, in or around any cemetery lot, according to the terms of such grant, donation or bequest; and the supreme judicial court in this Commonwealth, or any other court therein, having equity jurisdiction, shall have full power and jurisdiction, to compel the due performance of the said trusts, or any of them, upon a bill filed by a proprietor of any lot in the said cemetery for that purpose.

SEC. 10. *Be it further enacted,* as follows: First, that the present proprietors of lots in the said

cemetery, who shall become members of the corporation, created by this act, shall thenceforth cease to be members of the said horticultural society, so far as their membership therein depends on their being proprietors of lots in the said cemetery. Secondly, Sales of lots, how disposed of. that the sales of the cemetery lots shall continue to be made as fast as it is practicable by the corporation, created by this act, at a price not less than the sum of sixty dollars for every lot containing three hundred square feet, and so in proportion for any greater or less quantity, unless the said horticultural society, and the corporation created by this act, shall mutually agree to sell the same at a less price. Thirdly, Proceeds of sales how applied. that the proceeds of the first sales of such lots, after deducting the annual expenses of the cemetery establishment, shall be applied to the extinguishment of the present debts due by the said horticultural society on account of the said garden and cemetery, and after the extinguishment of the said debts, the balance of the said proceeds, and the proceeds of all future sales, shall annually, on the first Monday in every year, be divided between the said horticultural society and the corporation created by this act, in manner following, namely: fourteen hundred dollars shall be first deducted from the gross proceeds of the sales of lots, during the preceding year, for the purpose of defraying the superintendent's salary and other incidental expenses of the cemetery establishment, and the residue of the said gross proceeds shall be divided between the said horticultural society, and the corporation created by this act, as follows, namely: one fourth part thereof, shall be received by and paid over to the said horticultural society, on the first Monday of January of every year, and the remaining three fourth parts shall be

After extinguishment of debts balance to be divided between, &c.

Horticultural
society to appro-
priate their mo-
ney to an experi-
mental garden,
&c.

Corporation to
appropriate their
money to the im-
provement, &c.
of the cemetery,
garden, &c.

May inspect
treasurer's books
&c.

Any three per-
sons shall have
authority to call
a meeting.

retained and held by the corporation created by this act, to their own use forever. And if the sales of any year shall be less than fourteen hundred dollars, then the deficiency shall be a charge on the sales of the succeeding year or years. Fourthly, the money so received by the said horticultural society, shall be forever devoted and applied by the said society, to the purposes of an experimental garden, and to promote the art and science of horticulture, and for no other purpose. And the money so retained by the corporation created by this act, shall be forever devoted and applied to the preservation, improvement, embellishment and enlargement of the said cemetery, and garden, and the incidental expenses thereof, and for no other purpose whatsoever. Fifthly, a committee of the said horticultural society, duly appointed for this purpose, shall, on the first Monday of January, of every year, have a right to inspect and examine the books and accounts of the treasurer, or other officer acting as treasurer of the corporation, created by this act, as far as may be necessary to ascertain the sales of lots of the preceding year.

SEC. 11. *Be it further enacted,* That any three or more of the persons named in this act shall have authority to call the first meeting of the said corporation, by an advertisement in one or more newspapers, printed in the city of Boston, seven days at least before the time of holding such meeting, and specifying the time and place thereof. And all proprietors of lots, who shall before, at, or during the time of holding such meeting, by writing assent to this act, shall be entitled to vote in person or by proxy, at the said first meeting. And at such meeting, or any adjournment thereof, any elections may be had, and any business done, which are herein

authorized to be had and done at an annual meeting, although the same may not be specified in the notice for the said meeting. And the first board of trustees, chosen at the said meeting, shall continue in office until the annual meeting of the said corporation next ensuing their choice, and until another board are chosen in their stead in pursuance of this act.

Trustees to remain in office until others are chosen.

SEC. 12. *Be it further enacted*, That the said cemetery shall be, and hereby is declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

Cemetery exempt from taxes.

[Approved by the Lieut. Governor, March 31, 1835.]

CHAP. XCVII.

An Act to establish the Millers River Bridge Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Patrick T. Jackson, Benjamin R. Nichols, and Charles R. Lowell, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Millers River Bridge Corporation, for the purpose of locating, building, and completing a bridge across Millers river, in the direction of Bridge street, in that part of Cambridge called East Cambridge, and following that direction till it reaches the Barrell Farm, so called, in Charlestown, the said bridge to be

Persons incorporated.

built of good and sufficient materials, and to be not less than forty feet in width, from outside to outside.

Damages to be recovered.

SEC. 2. *Be it further enacted*, That the said corporation shall be holden to pay all damages that may arise to any person or persons, whose real estate shall be taken for the use of said bridge, the same to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Tolls for the benefit of the corporation.

SEC. 3. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of said corporation, upon all passengers and property which may be conveyed or transported upon said bridge, the rates to be one half of those mentioned in the third section of the statute of the year one thousand seven hundred and eighty-four, chapter fifty-three, incorporating the proprietors of Charles River bridge: *provided, however*, that no toll shall be taken for foot passengers passing the same; and when the said corporation shall be reimbursed by said toll, after deducting all expenses for the money by them expended in and about the building of said bridge, with lawful interest thereon, they shall make

Foot passengers exempt from toll.

Bridge, when to become free.

no further dividends; and when they shall thereafter have raised from said toll a fund sufficient, in the opinion of the county commissioners, for the county of Middlesex, to keep said bridge in permanent repair, the said toll shall cease, and the said bridge shall become free for the use of the public. And the said corporation shall pay over to the treasurer of said county the fund so raised for keeping said bridge in repair, and the said treasurer shall, under the direction of said county commissioners, invest the same on good security, and keep the same so invested from time to time; and the interest and

Disposal of the funds.

income of said fund, so far as the same shall be needed therefor, shall be applied from time to time for that purpose, under the direction of the said county commissioners; and such part thereof as shall not be necessary therefor, in any one year, shall be added to the principal, and invested in the same way, until the same shall be needed for the repair or rebuilding of said bridge.

SEC. 4. *Be it further enacted,* That it shall be the duty of said corporation, as soon as said bridge is completed, to make to the governor and council an exhibit of the cost of the same, which shall not exceed the sum of seven thousand dollars, and on the second Monday of January, annually, to exhibit to the governor and council a statement of the profits accruing from the toll, stating particularly the amount of money received, and the amount expended, the expenses in no case to exceed one thousand dollars annually; and all said statements shall be sworn to by the treasurer. And if said corporation shall not, within three years from the passage of this act, locate, build, and complete said bridge, agreeably to the provisions aforesaid, then this act shall be void.

Annual return of costs, &c.

Limited time to build.

SEC. 5. *Be it further enacted,* That the towns of Cambridge and Charlestown, and the county of Middlesex, or any or either of them, may at any time purchase said bridge of said corporation, by paying them the cost thereof with interest, deducting the net receipts from the toll as aforesaid, in which case the said bridge shall become free for the use of the public; and the purchaser or purchasers shall thereafter keep the same in permanent repair, and shall be liable for any injury which may be caused through any defect or want of necessary repair of

May purchase the bridge.

Purchasers liable, &c.

said bridge, in the same manner as towns are now by law liable for any injuries caused through any defect or want of necessary repair of common highways and bridges; and whenever the said bridge shall become free as aforesaid, all the obligations herein imposed upon said corporation to keep and maintain the same in repair, shall thereafter cease.

When to call first meeting.

SEC. 6. *Be it further enacted*, That either of the persons named in this act, is authorized to call the first meeting of said corporation, by causing notice thereof to be published in one or more of the newspapers printed in Charlestown or Boston, or by giving personal notice to each stockholder, seven days at least prior to said meeting. And said stockholders

Stockholders to choose a clerk and treasurer.

by a vote of a majority of those present, or represented by proxy, at said meeting, allowing one vote to each share, shall choose a clerk and treasurer, who shall be sworn to a faithful discharge of the duties of their respective offices; the treasurer to give bonds of not less than two thousand dollars, with sufficient sureties; and said offices may be united in

Treasurer and clerk to give bonds.

Corporation may establish by-laws, &c.

one person, if the stockholders shall so elect; and at the same or any subsequent meeting, said corporation may make and establish any by-laws, rules and regulations, not repugnant to the constitution and laws of the Commonwealth, that shall be necessary or convenient for effecting the purposes aforesaid, and for collecting the toll herein before granted, and the same by-laws, rules and regulations, may cause to be kept and executed, or for the breach thereof, may order fines and penalties not exceeding ten dollars: *provided*, that any such by-law which imposes a penalty for its violation, shall be first approved by the county commissioners of the county of Middlesex. The said stockholders may also choose and

appoint any other officer or officers of said corporation, that may be deemed necessary. And this act, and all by-laws and votes of the said corporation, shall be fairly recorded by their clerk, in a book or books, for that purpose provided and kept, which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the legislature, or by the governor and council.

Acts to be recorded by clerk.

[Approved by the Lieut. Governor, March 31, 1835.]

CHAP. XCVIII.

An Act to authorize the United States to take or purchase a site for a Light House on the neck in Marblehead, and to cede the jurisdiction of the same.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the United States of America may purchase or take, as hereinafter provided, any tract of land, which shall be found necessary or convenient for the light-house authorized by congress to be erected at Marblehead, within this Commonwealth; and during the appropriation of said tract of land, to the purpose aforesaid, the jurisdiction of said tract of land not exceeding four acres, and situated at a place called the neck in said Marblehead, shall be, and is hereby ceded to, and shall be in the United States, reserving to this Commonwealth, concurrent jurisdiction with the United States in, and over said land, so far that all civil and criminal processes is-

United States may purchase or take land for Light-house.

sued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building that may be erected thereon, in the same way and manner, as if the jurisdiction had not been granted as aforesaid.

When the parties cannot agree in a sale & purchase, may apply to the Court of Common Pleas.

SEC. 2. *Be it further enacted*, That if the agent or person employed for the United States, and the owner or owners of said land, which shall be found necessary and convenient for said light-house, cannot agree in a sale and purchase thereof, such agent or person employed may apply to the court of common pleas in the county of Essex, and said court is hereby authorized and empowered to cause the value of said land, together with such damages as the owner or owners of the same may sustain, by the erection of said light-house, to be appraised by a jury to be summoned by the sheriff of said county or his deputy, for that purpose, which jury shall be sworn to the faithful discharge of their trust, and shall proceed, after fourteen days notice to the owner or owners of said land, to view and set off by metes and bounds, said tract of land, or such part thereof, as they shall find necessary and convenient for such light-house, and shall seal up their verdict and deliver the same to the said sheriff or his deputy, who shall make return thereof to said court, at the next term to be holden in and for said county; which verdict of the jury being accepted by the said court, and the amount of said verdict being paid to the owner or owners of the said land, or if they shall not appear, or shall refuse to receive said amount, then said amount being deposited in the office of the treasurer of the county of Essex, to be received by the owner or owners, or by any person legally authorized to receive the same, the tract of land so appraised and set off, shall be

Value of land and damages, appraised by a jury, &c.

Sheriff to make return of their verdict.

vested in the United States for the purpose aforesaid :
provided, that all charges of such application and appraisement shall be paid by the United States : Charges, &c. to be paid by the United States.
provided, also, that all persons who shall dwell upon said tract of land shall be deemed and taken to be inhabitants of said town of Marblehead, and shall there be subject to the same duties, and have and enjoy the same privileges as other inhabitants of said town ; saving that the keeper of said light-house shall not be liable to serve as a juror, or to perform military duty. Proviso.

[Approved by the Lieut. Governor, March 31, 1835.]

CHAP. XCIX.

An Act to incorporate the City Mills Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alexander DeWitt, Samuel Dowse, and Benjamin F. Campbell, their associates, successors, and assigns, be, and they hereby are made a corporation by the name of the City Mills Company, for the purpose of manufacturing cotton goods, in the town of Franklin, in the county of Norfolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-third, defining the general powers and duties of manufacturing corporations. Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted*, That said corporation may lawfully hold and possess such real estate, not exceeding twenty-five thousand dollars, and such personal estate not exceeding fifty thousand dollars, as may be suitable for the purposes aforesaid.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. C.

An Act to incorporate the Proprietors of Chelsea Point Bridge.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Burrill, Joseph Belcher, John W. Tewksbury, and their associates, successors and assigns, are hereby made a corporation by the name of the Proprietors of Chelsea Point Bridge.

SEC. 2. *Be it further enacted*, That said corporation is hereby authorized to build a bridge from the westerly side of Pulling Point, in the town of Chelsea, to the easterly side of Belle Isle, lying within the limits of the city of Boston, across the creek running between the two places aforesaid; which bridge shall be well built of good and sufficient materials, not less than twenty feet wide, with sufficient railings for the protection of passengers. And no toll shall be demanded of any person or persons who shall pass over said bridge, and said corporation shall be liable for all damages to travellers

over said bridge, happening through any defect of the same in the same way and manner as towns are liable for all defects in public highways and bridges.

SEC. 3. *Be it further enacted*, That if said corporation shall neglect, for the space of three years after the passing of this act, to build said bridge, then this act shall be void.

Time allowed to build bridge.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CI.

An Act in addition to "An Act to establish a Court of Common Pleas for the Commonwealth of Massachusetts."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, whenever the court of common pleas shall render final judgment, or make a decision in matter of law, whereby a case is definitely disposed of in said court, and the grounds of such judgment or decision are apparent on the record, or on an agreed statement of facts, the party aggrieved by such judgment or decision may, although no issue in law be joined, appeal to the supreme judicial court, under the regulations prescribed by the act to which this is in addition.

Appeal to the supreme judicial court on rendering judgment.

SEC. 2. *Be it further enacted*, That, whenever the court of common pleas shall render any judgment, or make any decision in matter of law, as in this act is before mentioned, where the grounds of

Party aggrieved to file exceptions.

Upon a hearing of exceptions may reverse the same, and order a new trial.

such decision or judgment are not apparent on the record, nor on an agreed statement of facts, the party thereby aggrieved, may file exceptions, in the manner prescribed by the fifth section of the act to which this is in addition, although the trial of the action or process may not be according to the course of the common law, and although the supreme judicial court cannot, on a decision upon such exceptions, order a new trial at their own bar; and upon a hearing of all exceptions whatever, to a judgment or decision of the court of common pleas, the supreme judicial court may affirm or reverse the same, and issue the process proper to carry their decision into effect, or may order a new trial at their own bar, or remit the case to the court of common pleas for trial, or pass any other order, decree or judgment which law and justice may require.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CII.

An Act to authorize the Boston and Providence Rail Road Corporation to increase their Capital Stock.

Increase of capital stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Boston and Providence Rail-road Corporation be, and they hereby are authorized to increase their capital stock, to an amount not exceeding five hundred thousand dol-

lars, by creating an additional number of shares, not exceeding five thousand, of one hundred dollars each, the said shares to be apportioned among the present stockholders pro rata; and the same to be assessed by instalments from time to time, as the directors shall find it expedient, the amount thus raised to be applied for the purposes specified in their original act of incorporation, and the acts in addition thereto.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CIII.

An Act to establish an Institution for Savings in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Richardson, Hugh Montgomery, Noah Brooks, their associates and successors, are hereby incorporated by the name of "the Savings Institution of South Boston," to be located in that part of the city of Boston, called South Boston, and shall be entitled to all the powers and privileges, and be subject to all the duties and liabilities contained in the statute of one thousand eight hundred and thirty-four, chapter one hundred and ninety, entitled "an act to regulate institutions for savings."

Persons incorpo-
rated.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CIV.

An Act to incorporate the Proprietors of Middlesex High School.

Persons incorpo-
rated.

Real and person-
al estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Livermore, Joseph T. Buckingham, Charles Everett, their associates and successors, are hereby incorporated by the name of the Proprietors of Middlesex High School, to be established in Cambridge, in the county of Middlesex, with the powers and requirements contained in "an act concerning corporations," passed the eighth day of March, one thousand eight hundred and thirty-three; and with power to hold real and personal estate, not exceeding in value the sum of twenty thousand dollars, to be devoted exclusively to the purposes of education.

[Approved by the Lieut. Governor, April 1, 1835.]

CV.

An Act to authorize Darius Weeks and others to construct a Wharf on the South Shore of the Town of Harwich.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Darius Weeks, Zebina H. Small, Jonathan Small, and Zephaniah Nickerson, and their associates, are hereby empowered to construct and maintain a wharf, on the south shore of the town of Harwich, in the county of Barnstable, at or near Darius Weeks' landing, not to exceed five hundred feet in length from high water mark, and two hundred feet in breadth; and shall have the right to fasten and lay vessels at said wharf, and receive wharfage therefor, and shall have all the privileges necessary for the convenient and useful improvement and occupation thereof: *provided, however,* that this grant shall in no wise interfere with the legal rights of any other person or persons.

Darius Weeks and others empowered to maintain a wharf.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CVI.

An Act concerning the Grammar School in Ipswich.

Feofees author-
ized to sell, pass
deeds, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Feofees of the Grammar School in Ipswich, are authorized and empowered to sell, and pass deeds of the following parcels of real estate, namely: the "school house orchard," the "school marsh," and all their right and interest in the "Cross Farm," severally so called, to any person or persons, his, her or their heirs and assigns, for such consideration as shall be agreed on, which deed and deeds, duly executed, acknowledged and recorded, shall pass good titles to the purchaser or purchasers, his, her or their heirs and assigns, so that neither the said feofees, nor their successors, nor the legal representatives of the donors of said lands, shall ever have, claim or demand the same, or any part thereof.

Feofees to put
proceeds out
upon interest.

SEC. 2. *Be it further enacted,* That the said feofees shall invest the net proceeds of said lands, in the stock or stocks of some incorporated bank or banks, or put the same out upon interest on mortgage on real estate, or loan the same to any incorporated town or city in this Commonwealth; and that they be authorized to collect, and again to invest the same, as aforesaid, when and so often as the said feofees, or a major part of them, shall deem it to be most advantageous for said school, and they shall apply the income thereof, exclusively to the

uses appointed by the original donors, and agreeably to an act incorporating certain persons as feoffees of said school, and for regulating the same, passed in the year of our Lord one thousand seven hundred and sixty-five, and which was made perpetual by an act passed on the fourteenth day of February, in the year of our Lord one thousand seven hundred and eighty-seven.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CVII.

An Act authorizing Leander P. Lovell and Harvey Chace to construct a Wharf in Taunton Great River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Leander P. Lovell, and Harvey Chace, be hereby authorized to construct a wharf, extending from their land, at a place called Bowenville, in Fall River, to a point in Taunton Great River, where the water is sixteen feet in depth at low water. And the proprietors of said wharf shall enjoy all the powers and privileges, and be subject to all the liabilities common to proprietors of wharves in said river: *provided*, that this act shall not interfere with the legal rights of any other person or persons.

Leander P. Lovell and others authorized to construct a wharf.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CVIII.

An Act to incorporate the Mechanics Wharf Company in New Bedford.

Persons incorpo-
rated. SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abraham Gifford, Gideon Allen, Benjamin Rodman, their associates, successors and assigns, be, and they hereby are constituted a body corporate, by the name of "the Mechanics Wharf Company."

Corporation au-
thorized to hold
certain real es-
tate. SEC. 2. *Be it further enacted,* That the said corporation be, and hereby is declared and made capable in law to have, hold and possess in fee simple, lease-hold, or otherwise, all or any part of certain real estate, situate in the said town of New Bedford, and bounded and described as follows, to wit: southerly on a lane or common way, called Ark lane, running from North Second street, to the Acushnet river, on the west by a lane twenty feet wide, leading from said Ark lane to the line of land owned by William Beetle, which lane is located seventy-nine feet from a line in continuation of the west side of Water street, on the north by land owned by William Beetle, and on the east by the Acushnet river: *provided*, the lawful owners of said property shall legally convey the same to said Mechanics wharf company: and, *provided*, that a way shall be left open for the use of said company, forty feet wide in a line with a street called Water street, in said New Bedford.

SEC. 3. *Be it further enacted*, That the said corporation shall have power from time to time, to assess on the stockholders such sums of money, not exceeding in the whole, five hundred dollars on each share, for the purchase, improvement and good management of their estate, or altering and building any wharves and docks, or laying out streets or passage ways on the land within the said described limits, or making or repairing streets or ways, leading to the said premises: *provided*, the consent of the proprietors of said streets or ways shall be first obtained, or for the improvement and management of the corporate property and estate agreeably to the true intent of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietors as may be sufficient therefor, to be sold at public auction to the highest bidder, after thirty days notice, to be given by publication thereof, in one of the newspapers printed in said New Bedford, which publication shall be made at least three times, the last of which shall be at least seven days previous to the sale, and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor, and the purchaser of such share or shares so sold shall be entitled to receive a certificate of the same: *provided, always*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least in number of the votes of those present or represented at said meeting.

Corporation shall have power to assess, on stockholders, &c.

If any proprietor shall neglect to pay assessment, corporation may sell, &c.

SEC. 4. *Be it further enacted*, That in all meetings of the members of said corporation, for the transaction of business, each member or proprietor

Each member entitled to one vote, &c.

shall be entitled to one vote, for every share held in such corporation, and proprietors may appear and act by proxy in writing at any meeting.

SEC. 5. *Be it further enacted*, That the whole number of shares shall not exceed two hundred, and said shares shall be deemed and held as personal property : *provided, always*, that the stockholders in said corporation shall be liable in their individual capacities, for all debts and liabilities of the said corporation, and said shares may be transferred by endorsement, a record of which shall be duly entered upon the books of the corporation, by the clerk of said company.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CIX.

An Act to incorporate the New England Mutual Life Insurance Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer T. Andrews, George Bond, Willard Phillips, Charles P. Curtis, and Samuel H. Walley, Jr., and the persons who may be insured under this act, and their associates, successors, and assigns, be, and they hereby are constituted a corporation by the name of the New England Mutual Life Insurance Company, for the purpose of making insurance upon lives, with all the powers and privileges, and subject to all the du-

ties contained in an act passed in eighteen hundred and thirty-three, chapter eighty-three.

SEC. 2. *Be it further enacted,* That there shall be an original guaranty capital stock subscribed to the said corporation, which shall be one hundred thousand dollars, to be divided into shares by the corporation, half of which shall be paid in, in cash, before the said corporation shall go into operation, for the purpose of making insurance; the other half of said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for.

SEC. 3. *Be it further enacted,* That, at the first meeting of the corporation, a number of directors, not less than eight, shall be chosen by the subscribers to the said guaranty stock, who shall hold their offices for one year, and until others are chosen in their stead; at all subsequent elections of directors, the number shall be such as may be provided for, by a previous vote of the directors or by-law of the corporation, and in case of no provision on this subject, the number shall be the same as at the first election, one half of whom shall be elected by the stockholders, and the other half by the assured, voting in separate bodies; the directors shall all be either stockholders or assured, and on ceasing to be such, shall cease to hold said office. The directors may choose a president from their own number, or from the stockholders, or the assured, in which case he shall be a director ex officio. They shall also choose a secretary, who shall be under oath, and they shall appoint all such officers and servants to transact the business of the corporation, as they see fit. Each

Capital stock.

Directors to be chosen at the first meeting, number, &c.

At all subsequent elections, the number shall be, &c.

Directors to be either stockholders or assured, &c.

Directors to choose a President and Clerk, &c.

Each share entitles the holder to one vote.

In case of vacancies in the board, &c.

The whole business of the corporation under the control of the Directors, except, &c.

Annual dividend.

Reserved fund to be applied to the redemption of the guaranty stock.

Directors to be chosen by the assured.

share of the guaranty capital stock shall entitle the holder to one vote, and each assured shall be entitled to one vote in the election of directors. In case of vacancies in the board of directors, so as to reduce the number to less than six, meetings of the corporation shall be held, and the vacancies shall be filled so as to make the board consist of a greater number than six.

SEC. 4. *Be it further enacted,* That except the election of directors, and except the vote of the assured, provided for in the sixth section, the whole business and affairs of the corporation shall be under the control and management of the directors.

SEC. 5. *Be it further enacted,* That whenever the net surplus receipts of the corporation over their losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per centum, or to such less dividend as may be agreed upon at the time of subscribing the stock, and in the case of such dividend not being made in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same.

SEC. 6. *Be it further enacted,* That after providing for risks, losses, incidental expenses, and dividends, as aforesaid, the directors shall set apart one quarter of the estimated surplus funds and receipts, as a reserved fund to be applied to the redemption of the guaranty stock, and whenever, after the expiration of ten years from the time of organizing the company, the amount of such reserved fund shall be sufficient for the purpose, and the assured shall vote to redeem the said guaranty stock, the same shall be redeemed.

SEC. 7. *Be it further enacted,* That, upon the re-

demption and extinguishment of the guaranty stock, under the provision in section sixth, the directors shall be chosen by the assured.

SEC. 8. *Be it further enacted*, That, at the expiration of every period of five years, from the time of the organization of the company, the remaining three quarters of the estimated surplus funds and receipts shall be reimbursed to, and among the assured, in manner following, namely: to the holders of policies for entire lives, each of which is insured at an uniform annual premium for the whole life, in the proportion of the whole amount of premiums paid during the preceding five years, and in a corresponding and equivalent proportion upon policies made otherwise than at such uniform rate of premium, that is to say, the reimbursement shall be made in the same proportion, as if each policy subsisting at the end of each five years had been made at its commencement for an entire life, at an uniform annual premium: *provided, however*, that the reimbursement to the holder of any policy shall not be estimated upon a greater amount than shall have been actually paid in on such policy: *provided, further*, that in consideration of any existing policies having at the expiration of any such period of five years contributed directly or indirectly, to the fund for the redemption of the guaranty stock, a provision may be made allowing a greater proportion of reimbursement on such policies, and preferring those of an older date, before those of a more recent date, so that each policy, shall, so far as may be, consistently with the circumstances of the company, be reimbursed for the amount contributed as aforesaid to the redemption of the guaranty stock.

Surplus funds and receipts, to be reimbursed to, and among the assured.

Proviso.

SEC. 9. *Be it further enacted*, That the said corporation shall, on the third Monday of January of

One third of the net profits to be paid over, &c.

every year, pay over to the trustees of the Massachusetts general hospital, one third of the net profits, if any, which shall have arisen from insurance on lives made during the preceding year.

Supreme court to determine, &c.

SEC. 10. *Be it further enacted*, That the supreme judicial court shall hear and determine in equity all questions, arising between the said corporation, and any stockholder, or assured.

[Approved by the Lieut. Governor, April 1, 1835.]

CHAP. CX.

An Act to incorporate the Eagleville Manufacturing Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George A. Trumbull, Pliny Merrick, David T. Brigham, their associates, successors, and assigns, be, and they hereby are made a corporation by the name of the Eagleville Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, in the town of Holden, in the county of Worcester, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in the statute of one thousand eight hundred and twenty-nine, chapter fifty-third, defining the general powers and duties of manufacturing corporations.

Real and personal estate.

SEC. 2. *Be it further enacted*, That said corporation may hold such real estate, not exceeding in value twenty thousand dollars, and such personal estate,

not exceeding in value thirty thousand dollars, as may be necessary and convenient for the purpose aforesaid.

[Approved by the Lieut. Governor, April 3, 1835.]

CHAP. CXI.

An Act to establish the Charlestown Branch Rail-Road Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abijah Goodridge, Joseph Thompson, and William B. Swett, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, by the name of the "Charlestown Branch Rail-road Corporation," with the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, a rail-road, commencing at Swett's Wharf, in Charlestown, and thence to the Boston and Lowell Rail-road in Cambridge, in the county of Middlesex, so as to form a branch thereof, in the course and direction following: beginning at the north-easterly side of Swett's Wharf, in Charlestown, at a point one hundred and fifty feet south-east of Water street, thence running parallel to Water street, sixty rods to the Main street; thence by a curve of four hundred and

Persons incorporated.

Location of the rail-road.

Location of the route, &c.

Location of the
route, &c.

eighty feet radius, fifteen rods to westerly side of Warren avenue, thence by a curve of eleven hundred feet radius, thirty-five rods across the flats, to the westerly side of Hunt's wharf, about fifty feet from south end of same, thence north forty-nine degrees west, eighty rods, thence by a curve of four hundred and eighty feet radius, about forty rods to the draw of Prison Point dam bridge, thence along the easterly side of said bridge, at a distance of thirteen feet from the same, to the new-made land east of said bridge; thence by a curve of four hundred and eighty feet radius, about forty rods to a point in the centre of the Boston and Lowell Railroad, and four hundred and eighty feet west of the west side of Prison Point dam bridge, in such manner

Authorized to lay
out road.

and form as they shall deem most expedient; and, for this purpose, the said corporation are authorized to lay out their road, not exceeding fifty feet wide, through the whole length. In all cases, the line above described, is the centre of the rail-road:

Proviso.

provided, however, that all damages that may be occasioned to any person or corporation, by the taking of such land for the purpose aforesaid, shall be paid by said corporation in the manner hereinafter provided.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of one thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in five directors, who shall be chosen by the members of the corporation, in the manner prescribed by their by-laws, and shall hold their offices until others shall be duly elected, and qualified to take their places as directors, and the said directors, a majority of whom shall form a quorum for the transac-

tion of business, shall elect one of their own number to be president of the board, who shall also be president of the corporation; and they shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties, to the satisfaction of the directors, in a sum not less than five thousand dollars, for the faithful discharge of his trust.

To elect officers.

Clerk to be sworn and treasurer to give bonds.

SEC. 3. *Be it further enacted,* That the president and directors for the time being are hereby authorized and empowered, by themselves, or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said rail-road, and for the transportation of persons, goods and merchandize, and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines, cars, and other necessary things, in the name of the corporation, for the use of said road, and for the transportation of persons, goods and merchandize, to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay his assessment, for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be

Powers of the president, &c.

Treasurer to give notice, &c

transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due, with interest, and the costs of sale; and after paying the same, shall be entitled to the overplus, if any remain: *provided, however*, that no assessments shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars on each share.

Tolls, &c.

Transportation
of persons, &c.

Proviso.

SEC. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates as may be agreed upon and established, from time to time, by the directors of said corporation. And the transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations, and provisions, as the directors shall, from time to time, prescribe and direct; and said road may be used by any person or persons, corporation or corporations, who shall comply with such rules and regulations: *provided, however*, that, if at the expiration of ten years from and after the time of the completion of said road, the net income or receipts from tolls and other profits, taking the ten years aforesaid for the basis of calculation, shall have amounted to more than ten per cent. per annum upon the capital stock paid in, the legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next ten years, calculating the

amount of transportation upon the road to be the same as in the ten next preceding years, and at the expiration of every ten years thereafter, the same proceedings may be had: *provided, further*, that the legislature shall not, at any time, so reduce the tolls and other profits as to produce less than ten per cent. per annum upon the capital stock paid in, without the consent of said corporation.

SEC. 5. *Be it further enacted*, That the respective proprietors and owners of wharves and lands, which shall be crossed by said road, shall severally have the right to unite any rail-road or rail-roads which they may respectively construct upon and over their own land and wharves, with the rail-road of said corporation, at their own expense, by turntables or otherwise, as the directors shall deem most expedient, and at such points as the said proprietors shall respectively choose and designate, and the main road of said corporation shall be so constructed, as easily to admit cars and other vehicles from said lateral rail-roads, which cars and vehicles shall be liable to pay the same, and no other rates of toll, and be subject to the same rules, regulations, and provisions, as other cars and vehicles travelling upon said main road.

Rights of proprietors, &c.

SEC. 6. *Be it further enacted*, That the directors of said corporation for the time being, are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll, upon the road when completed, and in no case shall the rate of travelling upon said road exceed four miles per hour.

Directors authorized to erect toll houses, &c.

SEC. 7. *Be it further enacted*, That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land or other property,

Corporation to pay for damages.

for said rail-road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner specified in the act for defining the rights and duties of rail-road corporations in certain cases.

Persons under guardianship.

SEC. 8. *Be it further enacted*, That when the lands or other property of any married woman, infant, or person under guardianship, shall be necessary for the construction of said rail-road, the husband of such married woman, and the guardian of such infant or other person, may release all damages for any lands or estates, taken and appropriated as aforesaid, as they might do, if the same were holden by them, in their own right respectively: *provided, however*, that every married woman whose lands shall be taken as aforesaid shall be entitled to receive the said damages therefor to her own sole and separate use.

Corporation to recover for damages to road, &c.

SEC. 9. *Be it further enacted*, That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail-road, or in any way spoil, injure or destroy said rail-road, or any part thereof, or any thing belonging thereto, or any material or implement to be employed in the construction or for the use of said road, he, she, or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for and recovered, before any justice or any court proper to try the same, by the treasurer of the corporation, to the use of said corporation, and such offender or offenders shall be liable to indictment by the grand inquest for the county within which

such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and on conviction thereof, before any court of common pleas, to be holden in said county, shall pay a fine not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SEC. 10. *Be it further enacted,* That at all meetings of said corporation, each proprietor shall be entitled to as many votes as he holds shares: *provided,* that no vote shall be given by any proprietor by virtue of any shares held by him, exceeding one tenth part of the whole number of shares. Votes of proprietors.

SEC. 11. *Be it further enacted,* That there shall be made and kept in such part of said rail-road as shall run parallel with the Prison Point dam bridge, a draw of at least thirty feet in width, for the passing and repassing of vessels, said draw to be directly opposite to the draw of said bridge, and the said corporation shall furnish a proper pier below said road, for the accommodation of vessels passing through the same. And the said corporation shall be liable to keep said draw in good repair, and to raise or open the draw, and to afford all reasonable accommodation to vessels having occasion to pass it by day or by night, and if any vessel shall be unreasonably detained in passing the said draw by the negligence of the said corporation, in constantly providing agents to faithfully discharge the duties enjoined by this act, the owner, commander, or person having the consignment of said vessel, may recover reasonable damages therefor, of the said corporation, in an action on the case, before any court proper to try the same. Construction of a draw.

Damages for detaining vessels in passing bridge.

Width of draw.

SEC. 12. *Be it further enacted,* That there shall be made and kept in repair, on such part of the Morrill estate, so called, as the warden of the state prison shall direct, a draw of thirty feet in width, for the safe and convenient passing and repassing of vessels, said draw to be raised or opened in the same manner, and under the same penalties, as are provided in the preceding section, concerning the draw therein required: *provided, however,* that, if at any time the owners of the said Morrill estate shall so fill up their flats, as to interrupt the passage of vessels through said draw, to the wharf situated on the southerly side of Prison Point dam bridge, now belonging to the state prison estate in Charlestown, then and in such case, said draw may be discontinued by said corporation, and the said corporation shall pay one moiety of the expense of filling up the flats belonging to that part of said state prison estate lying southerly of Prison Point dam bridge to the line of said road, and shall convey to the Commonwealth so much of the flats outside of said road, as will be equal to the amount of flats belonging to the Commonwealth, which shall be taken for the tract of said road.

Proviso.

How to construct road, &c.

SEC. 13. *Be it further enacted,* That if the said rail-road, in the course thereof, shall cross any private way, the said corporation shall so construct said rail-road as not to obstruct the safe and convenient use of such private way, and if said rail-road shall not be so constructed, the party aggrieved shall be entitled to his action on the case, in any court proper to try the same, and shall recover his reasonable damages for such injury, and if said rail-road shall, in the course thereof, cross any highway, or town-way, the said rail-road shall be so constructed as not

to impede or obstruct the safe and convenient use of such way. And the said corporation shall have the power to raise or lower such highway, townway, or private way, so that the said rail-road may conveniently pass the same, and if the said corporation shall raise or lower any such highway, town way, or private way, and shall not so raise or lower the same as to be satisfactory to the selectmen of the town in which said way may be situated, said selectmen may require in writing of said corporation such alteration or amendment as they may think necessary, and if the required amendment or alteration be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, if ordered so to do by the county commissioners of the county of Middlesex, and not otherwise, such selectmen may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damage for all charges, disbursements, labor and services, occasioned by making such alteration or amendments, with costs of suit.

Power to raise or lower highway, &c.

SEC. 14. *Be it further enacted* That it shall be in the power of the government of the Commonwealth, at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening of said rail-road for use, to purchase of the said corporation, the said rail-road, and all the franchise, property, rights and privileges of the said corporation, by paying them therefor such a sum as will reimburse them for the amount of capital paid in, with a net profit thereon of ten per cent. per annum, from the time of the payment thereof,

Power of the Commonwealth.

To report to the
legislature, &c.

Penalty.

Time allowed for
completing rail-
road.

Authorized to
enter road, &c.

by the stockholders, to the time of such purchase, and no more ; and it shall be the duty of the directors of said corporation, from year to year, to make a report to the legislature under oath of their acts and doings, receipts and expenditures, under the provisions of this act, and their books shall at all times be open to the inspection of any committee of the legislature appointed for that purpose ; and if said corporation shall unreasonably neglect or refuse to make such report at the expiration of every year, after the opening of said rail-road, for every such neglect or refusal they shall forfeit and pay to the use of the Commonwealth a sum not exceeding five thousand dollars, to be recovered by action or indictment in any court of competent jurisdiction.

SEC. 15. *Be it further enacted,* That if the amount of stock of said rail-road shall not have been subscribed, the corporation organized, and the location of the route filed with the county commissioners of the county in which the land proposed to be taken for said rail-road is situated, previous to the first day of January in the year of our Lord one thousand eight hundred and thirty-six, or if the said corporation shall fail to complete the said rail-road on or before the first day of January, in the year of our Lord one thousand eight hundred and thirty-eight, this act shall be null and void.

SEC. 16. *Be it further enacted,* That the said corporation are hereby authorized to enter with their rail-road on such part of the Boston and Lowell rail-road as is designated by the first section of this act, paying for the right to use the same or any part thereof, such a rate of toll as the legislature may from time to time prescribe, complying with such rules and regulations as may be established by said

Boston and Lowell rail-road corporation, by virtue of the fifth section of their act of incorporation: *provided, however*, that it shall be the duty of the corporation hereby created to enter the said Boston and Lowell rail-road, by such proper turn-outs or switches as will not unreasonably incommode the travel upon the said Boston and Lowell rail-road, and to leave them in such a state as not to interfere with the free use of said road, and to pay all expenses incident to, and in consequence of any alterations necessary in said Boston and Lowell rail-road, to enable them to enter upon it in a proper manner.

Corporation to construct turn-outs, &c. as not to incommode the travel.

SEC. 17. *Be it further enacted*, That it shall be the duty of said corporation to construct upon piles the whole of that part of said rail-road between the aforesaid draw on the Morrill estate, and the new made land in Cambridge.

To construct upon piles, &c.

SEC. 18. *Be it further enacted*, That said corporation shall have power to vary the location of that part of their rail-road which lies between Hunt's wharf and the eastern terminus herein before mentioned, as they may deem expedient: *provided*, the consent of all the owners of the land over which the same shall pass, and the approbation of the selectmen of Charlestown be first had and obtained.

Power to vary location, &c.

Proviso.

SEC. 19. *Be it further enacted*, That the said rail-road corporation shall have the right to extend said road across said Swett's wharf, in an easterly direction, to the line of the navy yard in Charlestown, or any part of said distance: *provided*, that they shall obtain the consent of the selectmen of the town of Charlestown, and of the owners of all the lands over which said road extended would pass: and, *provided, also*, that nothing in this section con-

Right to extend the road, &c.

Proviso.

tained shall be understood to bind said corporation to extend said road beyond said Swett's wharf.

[Approved by the Lieut. Governor, April 4, 1835.]

CHAP. CXII.

An Act to encourage by bounty the destruction of Wild Cats, Bears, and Foxes.

Bounty for the
destruction of
Wild Cats, &c.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in case any person, being an inhabitant of this Commonwealth, shall, from and after the first day of May next, take and destroy within the limits of any town or district in the Commonwealth aforesaid, any wild cat, bear, or fox, and shall satisfy either of the selectmen of such town or district thereof, and shall, in the presence of such selectmen, burn or destroy the ears of such animal; a certificate of the fact shall be issued to him by such selectmen, and whenever such certificate shall be lodged with the treasurer of such town, or district, said treasurer shall thereupon pay to the holder the sum of five dollars, for each wild cat, or bear, and the sum of fifty cents for each fox; and all sums so paid shall be refunded from the treasury of the Commonwealth, to any person authorized to receive the same, whenever a certificate of the payment thereof, signed by such town or district treasurer, shall be lodged with the governor and council

of the Commonwealth ; and warrants shall be drawn therefor accordingly.

[Approved by the Lieut. Governor, April 4, 1835.]

CHAP. CXIII.

An Act to incorporate the North American Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George Adams, William S. Bridge, Charles Henshaw, their associates, and successors, are hereby made a corporation by the name of the North American Insurance Company, to be located in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses, and losses by fire, in the customary manner, with all the privileges, and subject to all the duties and obligations contained in the one hundred and twentieth chapter of the statutes of eighteen hundred and seventeen, and in the one hundred and forty-first chapter of the statutes of eighteen hundred and nineteen, and also in the ninety-fifth chapter of the statutes of eighteen hundred and thirty-two, for and during the term of twenty years after the passing of this act.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may purchase, hold, and convey any estate, real or personal, for the use of said company: *provided,* that the real estate shall not exceed the value of

May hold and convey real or personal estate.

fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint.

Amount of risk.

SEC. 4. *Be it further enacted*, That said company shall at no time take any one risk by way of a policy of insurance, maritime loan, or otherwise, to a greater amount than eight per cent. on their capital actually paid in.

[Approved by the Lieut. Governor, April 6, 1835.]

CHAP. CXIV.

An Act in addition to "An Act providing further remedies for Landlords and Tenants."

Former statute to apply to all cases of forcible entry, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the provisions of the statute of eighteen hundred and twenty-five, chapter eighty-nine, shall be held and construed to apply to all cases of forcible entry and detainer, and all cases of detainer of any lands or tenements, wherein the person or persons hold the same without right, or as mere trespassers, and to all cases

where any tenant shall make default in the payment of rent, according to the terms of any written agreement or lease between the parties. And in all such cases, the like proceedings may be had, as if the relation of landlord and tenant had theretofore existed between the parties, saving only, that the forms of proceeding, and any recognizance which may be entered into by the defendant on an appeal, shall be so far varied as to accommodate the same to the circumstances of the case.

SEC. 2. *Be it further enacted*, That all amendments in form or substance may be made in any stage of the proceedings directed by this act, or the act to which this is in addition, under such terms as the court in which such proceedings may be pending, shall direct.

All amendments
&c. may be
made as the court
shall direct.

[Approved by the Lieut. Governor, April 6, 1835.]

CHAP. CXV.

An Act concerning the service of Civil Process in certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all civil processes against any town, district, parish, legally organized religious society, or proprietors of common and undivided lands, or other estate, shall be served by leaving an attested copy of such process, thirty days at least, before the same is returnable, with the clerk

Civil processes,
how and when
to be served.

of such town, or other body aforesaid, and also with one of the selectmen of such town or district, or with one of the assessors, or prudential committee of such parish, or religious society, or with one of the principal proprietors of such land or estate; and if there be no clerk of either of the bodies aforesaid, then said processes shall be served in manner aforesaid, on two of the officers, or proprietors aforesaid; and if there be no such officers of either of the bodies aforesaid, such process shall be served in manner aforesaid on the clerk, if there be one, and one of the principal inhabitants or proprietors, respectively, of such body, and if there be no clerk, then on two of such principal inhabitants or proprietors, any law now in force notwithstanding.

When to take
effect.

SEC. 2. *Be it further enacted*, That this act shall take effect on the first day of July next.

[Approved by the Lieut. Governor, April 6, 1835.]

CHAP. CXVI.

An Act establishing additional Terms of the Court of Common Pleas in the County of Worcester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the passing of this act, there shall be held and kept in the county of Worcester, three additional terms of the court of common pleas, as follows, to wit: the first term shall be held on the last Monday of May,

Additional terms,
&c.

the second term shall be held on the third Monday of September, and the third term shall be held on the third Monday of January in each year, for the trial and disposition of the criminal business of said county.

SEC. 2. *Be it further enacted,* That all appeals, recognizances and processes, and every other matter or thing of a criminal nature, returnable to, or now pending in the court of common pleas in said county, shall be returnable to, and have day in said court, at the first term thereof established by this act; and all parties and persons, before passing this act required to appear and attend at any term of said court in said county, touching any matter or thing aforesaid, shall appear and attend and have like day in court, at the said first term thereof established by this act.

All appeals of a criminal nature to have day, &c.

SEC. 3. *Be it further enacted,* That the civil business of the court of common pleas, in the county aforesaid, shall be transacted only at the terms of the said court heretofore by law established. And the criminal business thereof shall be acted upon only at the terms of the said court herein appointed to be holden. And all continuances of civil or criminal business shall be without any special order therefor to the next term of said court, to be holden for the transaction of business of the same description.

Civil business only to be transacted, &c.

Criminal business only to be transacted, &c.

SEC. 4. *Be it further enacted,* That it shall be the duty of grand jurors in said county to attend on the first day of the session of the respective terms of the said court herein appointed to be holden, and it shall not be their duty to attend at any of the terms of the said court holden for the transaction of civil business.

Grand jurors to attend the first day of the session.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXVII.

An Act for the regulation of the Public Landing Place in Milton.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall be lawful for the inhabitants of the towns of Dorchester and Milton, at their annual meeting in March or April, to choose each, three suitable persons, who jointly shall constitute a board of commissioners on the public landing place in Milton, who, when organized by electing a chairman and a clerk to keep a record of their doings, shall proceed to take charge of the said landing place, and cause all nuisances thereon to be abated, or to settle for the same upon such terms as they may deem equitable; and see that no encroachments in future are made upon it, and regulate it in general in such a manner, as they may deem necessary to secure an equal enjoyment of its privileges to all.

Inhabitants of
Dorchester and
Milton to choose
a board of com-
missioners, &c.

Commissioners
authorized to
make improve-
ments, &c.

SEC. 2. *Be it further enacted,* That if said commissioners are of the opinion, that the public convenience requires that improvements be made upon said landing place by levelling the same, erecting wharves, or in any other way, the said commissioners are hereby authorized to make such improvements, from time to time, as they may deem necessary for the public convenience; and said commissioners are hereby authorized and empowered to lease for a term of time, so much of said landing

place, or exact such wharfage on goods, wares, or merchandize landed, shipped or stored upon said landing place, as they may deem equitable; until said commissioners shall have received a sufficient sum of money to indemnify them for all the expense that may have accrued, after which, the public shall have a right to use it free of expense under the direction of said commissioners.

Empowered to
lease landing
place, &c.

SEC. 3. *Be it further enacted*, That said commissioners are hereby invested with authority to enforce such bargains, agreements, rules and regulations as they from time to time shall make in their official capacity, by maintaining an action in any court of law for the recovery of any forfeitures incurred by a breach of any bargain, agreement, rule or regulation so made; and said commissioners are authorized to receive such a compensation for their services as the selectmen of the town to which they belong shall approve, which sum shall be collected and paid in the same manner as the expenses of the improvements are collected and paid.

Commissioners
invested with
authority, &c.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXVIII.

An Act concerning the jurisdiction of the Court of Common Pleas in the County of Suffolk.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Court of Common Pleas, within and for the county of Suf-

Court of com-
mon pleas have
power, &c. in
Chelsea.

folk, shall hereafter have authority to exercise, in the town of Chelsea, all the powers by law conferred on county commissioners, so far as said powers are applicable to said town, and consistent with the provisions of the second section of this act.

Upon any petition, &c. said court may appoint, &c.

SEC. 2. *Be it further enacted*, That on any petition properly presented to said court respecting the laying out, altering, or discontinuing of any way in said town, said court may appoint three disinterested commissioners to act thereon, a majority of whom shall have power to perform all the duties required by law of county commissioners in other cases, so far as respects the viewing, laying out, constructing, accepting, or discontinuing of ways, and of assessing damages sustained by individuals or corporations in the premises, subject to the final determination of said court; and whenever any party shall be entitled to a jury, according to the provisions of law respecting ways, concerning any matter in said town, said court shall have authority to order a jury to be summoned and empannelled, and to accept or reject their verdict, as in other similar cases.

Former laws repealed

SEC. 3. *Be it further enacted*, That all laws inconsistent herewith, be, and the same are hereby repealed, saving all proceedings now pending in said court.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXIX.

An Act in addition to "An Act incorporating the Manufacturers Mutual Fire Insurance Company."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Manufacturers Mutual Fire Insurance Company, be, and the same is hereby authorized to insure for a term not exceeding one year, upon the same principles as those upon which they are now authorized to insure manufacturing establishments within this Commonwealth, any public building, public hotel, store, or store-house, together with any furniture, merchandise, or other property contained therein.

Company authorized to insure for a term, &c.

SEC. 2. *Be it further enacted,* That the third section of the act to which this is in addition be so far amended, that the property which the said corporation are authorized to insure, may be situate in any state, district or territory of the United States, and whenever the same shall be without the Commonwealth, the said corporation may require such additional security for the deposit note to be given by the individual or corporation assured, as they shall see fit.

Amendment, &c.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXX.

An Act in further addition to "An Act to incorporate the Fishing Insurance Company."

Authority to increase capital stock.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Fishing Insurance Company in the city of Boston, be, and it hereby is authorized and empowered to increase its capital stock by adding thereto fifty thousand dollars, to be divided into shares of fifty dollars each, one half of such additional capital to be paid in within sixty days, and the residue within one year from the passage of this act, in such instalments as the president and directors shall in their discretion direct.

Right to make loans and insurance upon every description of vessels, &c.

SEC. 2. *Be it further enacted,* That when such additional capital is all paid in, the said corporation shall have the right to make maritime loans, and insurance against maritime losses, upon every description of vessels and the cargoes thereof, in the customary manner: *provided,* that said company shall at no time take any one risk by way of policy of insurance, maritime loan, or otherwise, to a greater amount than eight per cent. on their capital stock actually paid in.

Part of former act repealed.

SEC. 3. *Be it further enacted,* That sections third, fourth, and fifth, of the act passed March first, in the year one thousand eight hundred and thirty-one, to which this act is in addition, and all parts of said act inconsistent with the provisions hereof, be, and the same are hereby repealed.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXI.

An Act in addition to "An Act relating to Parishes and Religious Freedom."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any parish or religious society, which owns, or shall own, any church, meeting-house, or other house of public worship, shall deem it necessary, for the purpose of repairing, altering, enlarging, or rebuilding any such church or house, to take down any pews therein; such parish or religious society shall have the same authority, and shall be subject to the same regulations, as are conferred and prescribed by the fifth section of the statutes of eighteen hundred and seventeen, chapter one hundred and eighty-nine, in regard to proprietors of churches, meeting-houses and other houses of public worship: *provided, however,* In case of repairs, &c. of houses of public worship. that nothing herein contained shall extend to the case of any such church or house, which has or shall become unfit for the purpose of public worship. Proviso.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXII.

An Act in further addition to "An Act directing the method for laying out Highways."

Notice to be given before laying out private or town-way.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no private or town-way shall be laid out by the selectmen of any town, or by their order, unless at least six days previous to the laying out of the same, a written notice of the intention of such selectmen to lay out such way, be left by such selectmen, or by their order, at the usual place of abode of the owners of the land over which said way will pass, or delivered to such owner in person, or to his tenant, or authorized agent: *provided*, that if said owner have no such place of abode, in the town in which said way will be laid out, or no tenant, or authorized agent therein, known to the selectmen, then such notice shall be posted up in some conspicuous public place in the town, at least six days previous to the laying out of said way.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXIII.

An Act in addition to an Act providing for the government and regulation of the State Prison.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the first day of May next, the compensation allowed to each of the Turnkeys of the State Prison, for his services, shall be five hundred and fifty dollars per year, instead of the sum allowed to said officers, by the provision contained in the eighth section of the act providing for the government and regulation of the state prison, passed on the eleventh day of March, one thousand eight hundred and twenty-eight.

Increase of turnkeys salary.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXIV.

An Act in addition to "An Act limiting the tenure of office, and establishing the salaries for Clerks of the Judicial Courts."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the salary of the clerk of the municipal court of the city of Boston,

Salary of the Clerk of the Municipal court, established; to render a true account, on oath, &c.

shall be twelve hundred dollars a year; and that said clerk shall keep a true and exact account of all the monies he shall receive by virtue of his office, under the laws of this Commonwealth, excepting fees for certified copies; and shall, on the first Wednesday of January, annually, render to the treasurer of the county of Suffolk, on oath, a true account of the whole sum by him thus received, and shall, after deducting the aforesaid sum of twelve hundred dollars, and one half of any surplus, refund and pay over all the residue to the said treasurer, and the said treasurer shall account for such residue to the treasurer of the Commonwealth.

Construction of former act, concerning rendition of accounts, &c.

SEC. 2. *Be it further enacted*, That to remove all doubts as to the construction of the third section of the act to which this is in addition, concerning the rendition of accounts by the clerks in said act mentioned, those clerks who have rendered their accounts, or may render the same, covering a whole year, shall be deemed to have complied with the act to which this is in addition, any thing in said act to the contrary notwithstanding; and this act shall take effect from and after the first day of May next.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXV.

An Act in addition to "An Act to prevent the destruction of Beach Grass in the towns of Provincetown and Truro."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no neat cattle, horses, sheep or goats, shall be permitted to go at large in the town of Provincetown, nor on that tract of land in the town of Truro between the line which divides the towns of Provincetown and Truro, and a line drawn parallel with the aforesaid line from the foot of eastern harbour meadow in Truro, to the northern side of Cape Cod. And if any persons shall suffer any of the creatures aforesaid to go at large on the aforementioned lands, he shall forfeit and pay to the use of the person prosecuting therefor, for every one of said creatures, except sheep and goats, not less than five, nor more than ten dollars, and for every sheep or goat, not less than one, nor more than three dollars.

No neat cattle,
&c. allowed to
go at large.

Penalty.

SEC. 2. *Be it further enacted,* That it shall be lawful for the committee mentioned in the third section of the act to which this is in addition, or for any other person, to take up and impound in the town pound in Provincetown, any neat cattle, horses, sheep or goats, found at any time going at large, within the limits in the preceding section mentioned, he, or they relieving the said creatures with suitable meat and water during the time of their confine-

Lawful to im-
pound.

When impounded to give information.

ment. And when any of the creatures aforesaid shall be so impounded, it shall be the duty of the person or persons impounding them, within twenty-four hours, to inform the owner thereof, if known, by leaving a written notification at his usual place of abode, or if not known, by posting up a written notification in three public places in the towns of Provincetown and Truro, which notification shall describe said creatures, and shall specify the time, place, and cause of impounding them, and if said owner shall not within three days from the time of leaving or posting up such notifications, pay, or offer to pay to the pound-keeper the smallest penalty or penalties incurred as aforesaid, and also the reasonable expenses of the relief and sustenance of such creatures, together with the pound-keeper's legal fees, the said committee or persons impounding said creatures may proceed to sell them at public auction, first giving notice of the time and place of sale, by posting up a written notification thereof in three public places in Provincetown, forty-eight hours at least before such sale; and after deducting from the proceeds of any such sale the aforesaid penalties, expenses and fees, and also the costs of such sale, the surplus, if any, shall be paid to the owner or owners of the creatures so sold, if he or they shall demand the same within one year after the sale, otherwise it shall be paid into the treasury of the town of Provincetown, for the use of said town.

May sell at auction if owner refuse to pay, &c.

Owner to receive surplus if called for within one year.

Part of former act repealed.

SEC. 3. *Be it further enacted*, That the first and fifth sections of the act to which this is in addition, be, and the same are hereby repealed, saving, however, any rights already acquired, and any remedies already adopted under the act aforesaid.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXVI.

An Act providing for the Sealing of Hay Scales and Platform Balances.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the first day of June next, it shall be the duty of every person who shall keep hay scales or platform balances for public use, to cause the same to be tried and sealed at his or her expense, at least once in every year, by a sworn sealer of weights and measures; and every person, who shall, after said first day of June, keep hay scales or platform balances for public use, or shall weigh, or suffer to be weighed, in hay scales or platform balances, by him so kept, any hay or other article of traffic, unless said scales or balances shall have been sealed as aforesaid, shall forfeit and pay for each offence, not less than five, nor more than twenty dollars, according to the circumstances of the case, one moiety thereof to the use of the Commonwealth, and the other moiety to the use of him or them, who shall sue for the same, to be recovered in an action of debt, or on the case, with costs of suit, in any court proper to try the same.

Duty of keepers of hay scales, &c.

Penalty for neglect.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXVII.

An Act concerning Paupers.

Pauper expenses;
towns entitled to
reimbursement.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any city, town or district in this Commonwealth, shall incur expense in relieving or supporting any poor person who has no settlement within this Commonwealth, such city, town, or district, shall be entitled to reimbursement, at a rate not exceeding, in any case, the sum of seven cents per day for the support of persons over twelve years of age, and four cents per day for the support of persons under twelve years of age, in the manner and under the restrictions now provided by law.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXVIII.

An Act in further addition to an Act establishing the
City of Boston.

Number of school
committee.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the School Committee of the city of Boston shall consist of the

mayor of said city, of the president of the common council of said city, and of twenty-four other persons, two of whom shall be chosen in each ward of said city, and who shall be inhabitants of the wards in which they are chosen; said twenty-four members to be chosen by the inhabitants, at their annual election of municipal officers. When to be chosen.

SEC. 2. *Be it further enacted,* That so much of the act to which this is an addition, as is inconsistent with the provisions of this act, is hereby repealed: *provided, however,* that the present school committee of said city shall continue in office, until a new committee shall be chosen under the provisions of this act. Repeal of act. Proviso.

SEC. 3. *Be it further enacted,* That this act shall be void, unless it shall be adopted by ballot by the inhabitants of said city of Boston, qualified to vote in city affairs, at a legal meeting of said inhabitants called for that purpose, and held in their respective wards, within thirty days from the passing hereof. Act void unless adopted by ballot.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXIX.

An Act in addition to "An Act concerning the State Lunatic Hospital."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the seventh section of the one hundred and fiftieth chap- Seventh section repealed so far, &c.

ter of the statutes of the year one thousand eight hundred and thirty-four, as provides that the accounts of the state lunatic hospital shall be charged to, and paid by the town or city where the patient resided at the time of the application for commitment, so far as the same applies to any patient not having a legal settlement in this Commonwealth, be, and the same is hereby repealed. And no city, town or district within this Commonwealth, shall be liable to the trustees of said hospital for the support of any lunatic, who may be, or may have been committed to the same, by any court or judge now authorized by law to make such commitment, unless said lunatic has a legal settlement within the Commonwealth.

In case where
supreme court
shall commit, &c.

Where a lunatic
has settlement,
&c. trustees may
recover, &c.

Lunatic not hav-
ing settlement,
&c. shall be lia-
ble, &c.

SEC. 2. *Be it further enacted,* That in any case where the supreme judicial court, or court of common pleas, may have committed, or shall hereafter commit to said hospital, any lunatic who has a legal settlement in this Commonwealth, or where said lunatic has been committed by virtue of a proclamation of the governor, or resolve of the legislature, or by any two justices of the peace, *quorum unus*, or by a judge of probate, or the judge of the municipal court of the city of Boston, under the statute of one thousand eight hundred and thirty-three, chapter ninety-five, and said lunatic is, or shall be supported at said hospital, a right of action to recover the value of such support, [and] of all necessities furnished, shall accrue to the trustees of said hospital against the city, town or district in which said lunatic had a settlement, to be commenced and prosecuted in the manner pointed out in the seventh section of the statute to which this is in addition. And whenever any lunatic not having a legal settlement in this Commonwealth

shall be supported at said hospital, he shall be personally liable to said trustees for all expenses incurred by him at said hospital, in an action of assumpsit, to be sued in the name of the treasurer thereof. And it shall be the duty of any of the district attorneys of this Commonwealth to institute suits in their respective districts for the recovery of such expenses, whenever thereto requested by said trustees.

SEC. 3. *Be it further enacted,* That, if at any time the lunatics in said hospital shall be so numerous that they can no longer be accommodated therein, and in the opinion of the trustees it is proper that some of them should be removed therefrom, then said trustees shall have power to remove to the jails or houses of correction of the counties, respectively, whence said lunatics came when committed to said hospital, so many of said lunatics as may be necessary in order to provide suitably for the remainder. And the keepers of the jails or houses of correction, in the said counties, shall receive said lunatics so removed; and the certificate of a majority of said trustees, under their hands and seals, shall be their warrant therefor. And after said lunatics have been so removed, they shall be subject to the order and direction of the mayor and aldermen of the city of Boston, the selectmen of the town of Nantucket, and the county commissioners of the several counties, respectively. And in making selections among the lunatics for removal, the trustees shall, in all cases, when other circumstances are equal, select foreigners before citizens, and among citizens, those who, in their opinion, are least susceptible of improvement by remaining at the hospital.

If at any time lunatics, &c. trustees shall have power, &c.

Keepers of jails to receive said lunatics.

Shall select foreigners before citizens.

SEC. 4. *Be it further enacted,* That, for the purpose of reimbursement of any expenses incurred by

If lunatic have, &c. shall have remedy, &c.

the city of Boston, the town of Nantucket, or by any county in this Commonwealth, for the support of any lunatic removed, as in the preceding section is provided, the said city, town and counties respectively, if said lunatic so removed have any legal settlement in this Commonwealth, shall have the same remedy against the city, town or district, in which said settlement is, as one town now by law has against another town, to recover the expenses of supporting a pauper, and said remedy shall also be subject to the same conditions and limitations. And if said lunatic have no legal settlement in this Commonwealth, then said city of Boston, town of Nantucket, and counties respectively, having incurred expense for the support of said lunatic, may recover the same against him, his executors or administrators, in an action of assumpsit. And said actions, whether instituted against the lunatic himself or his personal representatives, or against the city, town or district, in which he had a legal settlement, shall be brought in the name of the treasurer of said city of Boston, town of Nantucket, or counties respectively. And if said city, town and counties, cannot recover as aforesaid, where the lunatic has no legal settlement within this Commonwealth, then said city, town and counties, shall be indemnified by the Commonwealth.

If lunatic have no legal settlement, city of Boston, &c. may recover.

If said city, &c. cannot recover, shall be indemnified by the Commonwealth.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXX.

An Act to encourage the Reeling and Throwing of Silk.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person who shall reel or cause to be reeled, or throw or cause to be thrown, in this Commonwealth, from cocoons, produced from silk worms raised in this Commonwealth, merchantable silk capable of being manufactured into the various silk fabrics, shall receive, in the manner hereinafter provided, fifty cents for every pound of silk reeled or thrown as aforesaid.

Bounty for reeling silk.

SEC. 2. *Be it further enacted,* That any two justices of the peace, when called on by any person claiming any bounty under this act, for reeling or throwing silk within their county, shall carefully examine such claim, and upon satisfactory proof by oath or affirmation that the same is well founded, shall give a certificate thereof under their hands, stating the method by which said silk has been reeled or thrown, the number of pounds, and that the claimant is entitled to the bounty provided in this act; and upon filing such certificate in the office of the secretary of this Commonwealth, the governor, with advice of the council, is authorized to draw his warrant upon the treasurer therefor in favor of such person.

Justices of the peace to examine claim, and give certificate, &c.

SEC. 3. *Be it further enacted,* That if any person shall claim a bounty more than once for the same

Penalty for obtaining bounty by fraud.

silk so reeled or thrown, or obtain any bounty under this act through fraud or deception, such person shall forfeit to the use of the Commonwealth, a sum not less than twenty, nor more than one hundred dollars, in addition to the amount of any bounty he may have received, to be recovered by indictment in any court proper to try the same.

Act, when to take effect.

SEC. 4. *Be it further enacted*, That this act shall take effect in thirty days from the time of passing the same, and shall continue in force for the term of two years.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXXI.

An Act to establish the Taunton Branch Rail-Road Corporation.

Persons incorporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William A. Crocker, Charles Richmond, Samuel L. Crocker, and Daniel Brewer, their associates, successors and assigns, be, and they hereby are made a corporation by the name of the "Taunton Branch Rail-road Corporation," with all the powers and privileges, and subject to all the liabilities prescribed in the statute of eighteen hundred and thirty-three, chapter eighty-three, entitled "an act concerning corporations," and in the statute of one thousand eight hundred and thirty-three, chapter one hundred and eighty-

seven, entitled, "an act for defining the rights and duties of rail-road corporations in certain cases", except the seventh section thereof and the said corporation are hereby authorized and empowered to locate and construct a rail-road from Taunton, in the county of Bristol, to Mansfield in said county, and at Mansfield to form a junction with the Boston and Providence rail-road; the proposed road commencing and pursuing the course following, viz: beginning at station number eleven hundred and seventy-one, on said Boston and Providence rail-road in Mansfield, near the dwelling-house of Widow Williams, thence turning towards the east by a curve of eleven hundred and twenty-six feet radius, for twelve hundred and fifty feet, thence running in a straight line to Taunton, passing on the way, about six hundred and fifty feet east of Mansfield meeting-house, about one and one eighth of a mile east of Norton meeting-house, and so continuing in a direct line to the lot in Taunton opposite N. R. Shaw's store, which is about twenty-one hundred feet from "Taunton Green:" *provided, however,* that the said corporation, if they so elect, shall have the right of locating, and constructing said rail-road or any part thereof, at a distance not exceeding three hundred feet westerly of the above described line, the consent of the selectmen of the towns through which said rail-road shall pass, and the consent of the owners of the lands over which the same shall pass being first obtained; and may join the Boston and Providence rail-road, at the western proposed depot thereof in said Mansfield, the consent of the selectmen of Mansfield, and the consent of the owners of the lands over which the said rail-road would then pass being first obtained. And the said corporation are authorized

Authorized to locate and construct rail-road.

Location of the route.

Proviso.

To obtain consent of selectmen, &c.

to lay out their road not exceeding five rods wide through the whole extent.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of fifteen hundred shares, of one hundred dollars each, and the immediate government and direction of the affairs of said corporation shall be vested in five directors, who shall be chosen by the members of the corporation.

Powers of the president, &c.

SEC. 3. *Be it further enacted,* That the president and directors for the time being are hereby authorized and empowered, by themselves, or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating and constructing said rail-road, and for the transportation of persons, goods and merchandize, and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold lands, materials, engines, cars, and other necessary things, in the name of the corporation, for the use of said road, and for the transportation of persons, goods and merchandize, to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary, and direct the same to be paid to the

Treasurer to give notice, &c.

treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay his assessment, for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent

subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessment due, with interest, and the costs of sale; and after paying the same, shall be entitled to the overplus, if any remain: *provided*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars on each share.

SEC. 4. *Be it further enacted*, That a toll be, Tolls, &c. and is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates as may be established, from time to time, by the directors of said corporation. And the transportation of Transportation of persons, &c. persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations, and provisions, as the directors shall, from time to time, prescribe and direct; and said road may be used by any person or persons, corporation or corporations, who shall comply with such rules and regulations: *provided, however*, that, Proviso. if at the expiration of ten years from and after the time of the completion of said road, the net income or receipts from tolls and other profits, taking the ten years aforesaid for the basis of calculation, shall have amounted to more than ten per cent. per annum upon the capital stock paid in, the legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next ten years, calculating the amount of transportation upon the road to be the

same as in the ten next preceding years, and at the expiration of every ten years thereafter, the same proceedings may be had: *provided, further*, that the legislature shall not, at any time, so reduce the tolls and other profits as to produce less than ten per cent. per annum upon the capital stock paid, as aforesaid, without the consent of said corporation.

Directors authorized to erect toll houses, &c.

SEC. 5. *Be it further enacted*, That the directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll, upon the road when completed.

Persons under guardianship.

SEC. 6. *Be it further enacted*, That when the lands or other property of any married woman, infant, or person under guardianship, shall be necessarily taken for the construction of said rail-road, the husband of such married woman, and the guardian of such infant or other person, may release all damages for any lands or estate, taken and appropriated as aforesaid, as they might do, if the same were holden by them, in their own right respectively: and the compensation received for damages to the land or estate of such married woman shall be secured to her own separate use.

Corporation to recover for damages to road, &c.

SEC. 7. *Be it further enacted*, That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail-road, or in any way spoil, injure or destroy said rail-road, or any part thereof, or any thing belonging thereto, or any material or implement to be employed in the construction or for the use of said road, he, she, or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the

justice, court, or jury, before whom the trial shall be had, to be sued for and recovered, before any justice or any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation, and such offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and on conviction thereof, before any court of common pleas, to be holden in said county, shall pay a fine not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SEC. 8. *Be it further enacted*, That, at all meetings of said corporation, each proprietor shall be entitled to as many votes as he holds shares: *provided*, that no vote shall be given by any proprietor by virtue of any shares held by him, exceeding one tenth part of the whole number of shares.

Votes of proprietors.

SEC. 9. *Be it further enacted*, That if the said rail-road, in the course thereof, shall cross any private way, the said corporation shall so construct said rail-road as not to obstruct the safe and convenient use of such private way, and if said rail-road shall not be so constructed, the party aggrieved shall be entitled to his action on the case, in any court proper to try the same, and shall recover his reasonable damages for such injury; and if said rail-road shall, in the course thereof, cross any highway, or town-way, the said rail-road shall be so constructed as not to impede or obstruct the safe and convenient use of such highway or town way. And the said corporation

How to construct rail-road, &c.

Power to raise or lower highway, &c.

shall have the power to raise or lower such highway, townway, or private way, so that the said rail-road may conveniently pass the same, and if the said corporation shall raise or lower any such highway, townway, or private way, and shall not so raise or lower the same as to be satisfactory to the selectmen of the town in which said way may be situate, said selectmen may require in writing of said corporation such alteration or amendment as they may think necessary; and if the required alteration or amendment be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, if ordered so to do by the county commissioners of the county of Bristol, and not otherwise, such selectmen may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall there recover a reasonable indemnity in damage for all charges, disbursements, labor and services, occasioned by making such alteration or amendment, with costs of suit.

Power of the
Commonwealth.

SEC. 10. *Be it further enacted*, That, it shall be in the power of the government of the Commonwealth, at any time during the continuance of the charter hereby granted, after twenty years from the opening of said rail-road for use, to purchase of the said corporation the said rail-road, and all the franchise, property, rights and privileges of the said corporation, by paying therefor such sum as will reimburse the said corporation for the amount of capital paid in, with a net profit thereon of ten per cent. per annum, from the time of the payment thereof, by the stockholders, to the time of such purchase, and no more; and it shall be the duty of the direct-

ors of said corporation, from year to year, to make a report to the legislature under oath of their acts and doings, receipts and expenditures, under the provisions of this act, and their books shall at all times be open to the inspection of any committee of the legislature appointed for that purpose; and if such corporation shall unreasonably neglect or refuse to make such report at the expiration of every year, after the opening of said rail-road, for every such neglect or refusal they shall forfeit and pay to the use of the Commonwealth a sum not exceeding five thousand dollars, to be recovered by action or indictment in any court of competent jurisdiction.

To report to the legislature, &c.

Penalty.

SEC. 11. *Be it further enacted*, That, if the amount of stock of said rail-road shall not have been subscribed, the corporation organized, and the location of the road filed with the county commissioners of the county in which the land proposed to be taken for said rail-road is situate, previous to the first day of January in the year of our Lord one thousand eight hundred and thirty-six, or if the said corporation shall fail to complete the said road on or before the first day of March in the year of our Lord one thousand eight hundred and thirty-seven, this act shall be null and void.

Time allowed for completing rail-road.

SEC. 12. *Be it further enacted*, That the said corporation are hereby authorized to enter with their rail-road on either of such points of the Boston and Providence rail-road as is designated by the first section of this act, paying for the right to use the same or any part thereof, such a rate of toll as the legislature may from time to time prescribe, complying with such rules and regulations as may be established by said Boston and Providence rail-road corporation, by virtue of the fifth section of their act of incorporation :

Authorized to enter road, &c.

Duty of the corporation, as respects turn-outs, &c.

provided, however, that it shall be the duty of the corporation hereby created to enter the said Boston and Providence rail-road by such proper turn-outs or switches, as will not unreasonably incommode the travel upon the said Boston and Providence rail-road, and to leave them in such a state as not to interfere with the free use of said road, and to pay all expenses incident to, and in consequence of any alterations necessary in said Boston and Providence rail-road to enable them to enter upon it in a proper manner.

To keep bridges, &c. in good repair.

SEC. 13. *Be it further enacted,* That said corporation shall constantly maintain in good repair all bridges with their abutments and embankments, which they may construct, for the purpose of conducting their rail-road over any canal, turnpike or other highway, or any private way, or for conducting such private way, turnpike, or other highway over said rail-road.

Powers and liabilities to be transferred, in case Boston and Prov. Rail-road corp. shall vote to locate, &c.

SEC. 14. *Be it further enacted,* That if the said Boston and Providence rail-road corporation shall vote to locate, construct, and complete the rail-road herein described, and shall make a contract with the corporation hereby created, as herein after mentioned, then the powers and liabilities of the corporation hereby created shall be transferred to the said Boston and Providence rail-road corporation: *provided,* that the said Boston and Providence rail-road corporation shall, within sixty days, from and after the passage of this act, give written notice of such vote to the corporation, hereby created, and shall also, within thirty days from the time of such notice, make a written contract with said last named corporation, that the said Boston and Providence rail-road corporation will, within one year from the date of said con-

tract, locate, construct and complete the said railroad herein described.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXXII.

An Act to regulate the Toll on Patucket Canal.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after* Rates of Toll. the passing of this act, the following rates of toll shall be allowed to the proprietors of the locks and canals on Merrimack river, for passing their locks, canals, and passage ways, at Patucket Falls:—on salt, lime, plaster, bar iron, pig iron, iron castings, anthracite coal, stone and hay, eight cents per ton of twenty-two hundred and forty pounds; on bituminous coal, twelve cents per chaldron of thirty-six bushels; on bricks, sixteen cents per thousand; on manure, fifty cents per boat load; on oak timber, thirty-five cents per ton of forty cubic feet; on pine timber, twenty-five cents per ton of forty cubic feet; on spars, thirty cents per ton of forty cubic feet; on pine plank and boards, thirty cents per thousand, board measure; on oak plank and boards, sixty cents per thousand, board measure; on ash, and other hard stuff, forty cents per thousand, board measure; on posts and rails, fifteen cents per hundred; on tree-nails, thirty cents per thousand; on hop-poles, twenty cents per thousand; on hard wood, twenty cents

Rates of Toll. per cord ; on pine wood, sixteen cents per cord ; on bark, twenty cents per cord ; on white oak pipe staves, one dollar per thousand ; on red oak pipe staves, sixty-seven cents per thousand ; on white oak hogshead staves, sixty cents per thousand ; on red oak hogshead staves, forty cents per thousand ; on white oak barrel staves, thirty cents per thousand ; on red oak barrel staves, twenty cents per thousand ; on hogshead hoops, sixteen cents per thousand ; on barrel hoops, twelve cents per thousand ; on hogshead hoop-polls, thirty cents per thousand ; on barrel hoop-polls, twenty cents per thousand ; on all articles of merchandize not enumerated, ten cents per ton of twenty-two hundred and forty pounds : *provided*, that the rates of toll aforesaid shall be subject to the direction of the legislature, after the expiration of ten years from the passing of this act.

Width of tow path.

SEC. 2. *Be it further enacted*, That the said proprietors shall construct and maintain a sufficient horse tow path, of not less than ten feet wide, from the Suffolk or Western Canal, to the bridge near the head of the Patucket Canal, and also two free landing places, the one above, and the other below the swamp locks, to be approved by the selectmen of the town of Lowell.

Half Toll.

SEC. 3. *Be it further enacted*, That on all articles that shall pass through one or more locks, not exceeding three, one-half of the above rates of toll shall be allowed, and no more.

Grants, &c. confirmed.

SEC. 4. *Be it further enacted*, That all the grants, rights and franchises now enjoyed by the said proprietors, and their doings under the same be, and they hereby are confirmed : *provided, however*, that nothing herein contained shall debar any person or corporation injuriously affected by the erection of

Proviso.

the dam at Patucket Falls from maintaining their action at law or suit in equity against said proprietors.

SEC. 5. *Be it further enacted*, That all acts heretofore passed, regulating the tolls to be taken at Patucket, be, and the same hereby are repealed. Previous acts repealed.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXXIII.

An Act in addition to "An Act limiting the liabilities of sureties in Bonds given by Guardians of Minors."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no person or persons, who have or who may hereafter have a right of action against the surety or sureties in any bond given by the guardian of any minor before the passage of the act to which this is in addition, shall be barred of the same by the lapse of time, until the expiration of four years from the passage of said act, and from the time such minor shall arrive at the age of twenty-one years, if then within the Commonwealth, or if then without the Commonwealth, until the expiration of four years from the passage of said act, and from the time such minor shall return within the Commonwealth, any thing in the act to which this is in addition to the contrary notwithstanding. Sureties on guardian's bonds.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXXIV.

An Act in addition to "An Act to establish the Andover and Wilmington Rail-Road Corporation."

Corporation empowered to construct and complete a rail-road, &c.

Location of the first route, &c.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Andover and Wilmington Rail-Road Corporation are hereby authorized and empowered to construct and complete a rail-road from the south parish in Andover, to the central village in Haverhill, or [on] either of the routes designated on the plan presented by the petitioners for said road, now on the files of the legislature; the first of said routes at station number one, on the road near the meeting-house of said parish, thence north forty-six degrees east, eight hundred feet, thence north forty degrees east, one hundred feet, thence north thirty-one degrees thirty minutes east, one hundred feet, thence north twenty-two degrees thirty minutes east, one hundred feet, thence north twenty degrees east, twenty-one hundred feet, thence north eighteen degrees east, thirty-two hundred feet, thence north ten degrees east, one hundred feet, thence north two degrees east, eight hundred feet, thence north five degrees west, twenty-two hundred feet, thence north five degrees thirty minutes east, sixteen hundred feet, thence north seven degrees thirty minutes west, eighteen hundred feet, thence north thirteen degrees, thirty minutes west, twenty-four hundred feet, thence north eleven degrees thirty minutes west, eighteen hundred feet,

thence north thirty minutes west, one thousand feet, thence north four degrees thirty minutes east, two hundred feet, thence north fourteen degrees thirty minutes east, one hundred feet, thence north twenty-four degrees thirty minutes east, one hundred feet, thence north thirty degrees thirty minutes east, thirteen hundred feet, thence north thirty-seven degrees thirty minutes east, nine hundred feet, thence north twenty-seven degrees thirty minutes east, one hundred feet, thence north seventeen degrees thirty minutes east, three hundred feet, thence north seven degrees thirty minutes east, one hundred feet, thence north two degrees thirty minutes east, two hundred feet, thence north two degrees thirty minutes west, five hundred feet, thence north eight degrees thirty minutes west, eight hundred feet, thence north seven degrees thirty minutes west, two hundred feet, thence north five degrees thirty minutes west, five hundred feet, thence north seven degrees thirty minutes west, eight hundred feet, thence north nine degrees west, two hundred feet, thence north eleven degrees west five hundred feet, thence north five degrees west, four hundred feet, thence north one degree west, one hundred feet, thence north four degrees thirty minutes east, two hundred feet, thence north ten degrees thirty minutes east, one hundred feet, thence north sixteen degrees thirty minutes east, two hundred feet, thence north twenty degrees thirty minutes east, two hundred feet, thence north twenty-nine degrees thirty minutes east, two hundred feet, thence north thirty-two degrees thirty minutes east, one hundred feet, thence north thirty-six degrees fifteen minutes east, nine hundred feet, thence north thirty-nine degrees thirty minutes east, thirteen hundred feet, thence north forty-four degrees

Location of the
route, &c.

Location of the
route, &c.

east, five hundred feet, thence north thirty-four degrees thirty minutes east, three hundred feet, thence north thirty-one degrees thirty minutes east, five hundred feet, thence north twenty-seven degrees thirty minutes east, two hundred feet, thence north twenty-two degrees thirty minutes east, two hundred feet, thence north twenty-nine degrees thirty minutes east, four hundred feet, thence north thirty-nine degrees thirty minutes east, three hundred feet, thence north forty-three degrees thirty minutes east, fourteen hundred feet, thence north thirty-seven degrees thirty minutes east, one hundred feet, thence north thirty-two degrees thirty minutes east, four hundred feet, thence north twenty-nine degrees thirty minutes east, eight hundred feet, thence north thirty-five degrees thirty minutes east, four hundred feet, thence north thirty-two degrees thirty minutes east, one hundred feet, thence north thirty degrees thirty minutes east, two hundred feet, thence north twenty-five degrees thirty minutes east, one hundred feet, thence north seventeen degrees thirty minutes east, one hundred feet, thence north nine degrees thirty minutes east, one hundred feet, thence north thirty minutes west, one hundred feet, thence north six degrees thirty minutes west, two hundred feet, thence north three degrees thirty minutes west, six hundred feet, thence north eight degrees thirty minutes west, six hundred feet, thence north two degrees thirty minutes west, one hundred feet, thence north seven degrees thirty minutes east, one hundred feet, thence north seventeen degrees thirty minutes east, one hundred feet, thence north twenty-seven degrees thirty minutes east, one hundred feet, thence north thirty-seven degrees thirty minutes east, five hundred feet, thence north forty-two degrees thirty

minutes east, one hundred feet, thence north fifty degrees thirty minutes east, eleven hundred feet, thence north forty-five degrees thirty minutes east, one hundred feet, thence north thirty-seven degrees thirty minutes east, one hundred feet, thence north thirty degrees thirty minutes east, one hundred feet, thence north twenty-three degrees east, seventeen hundred feet, thence north thirty-one degrees thirty minutes east, one hundred feet, thence north thirty-nine degrees thirty minutes east, one hundred feet, thence north forty-six degrees thirty minutes east, one hundred feet, thence north fifty-one degrees thirty minutes east, eight hundred feet, thence north forty-seven degrees thirty minutes east, seven hundred feet, thence north forty-six degrees east, thirteen hundred feet, thence north forty-two degrees thirty minutes east, six hundred feet, thence north forty-nine degrees thirty minutes east, one hundred feet, thence north fifty-six degrees thirty minutes east, four hundred feet, thence north fifty-eight degrees thirty minutes east, three hundred feet, thence north forty-eight degrees thirty minutes east, seven hundred feet, thence north forty degrees east, two hundred feet, thence north thirty-seven degrees thirty minutes east, seven hundred feet, thence north forty-two degrees thirty minutes east, five hundred feet, thence north forty-six degrees thirty minutes east, five hundred feet, thence north fifty-three degrees thirty minutes east, eighteen hundred feet, thence north fifty-nine degrees east, two hundred feet, thence north sixty-six-degrees thirty minutes east, seven hundred feet, thence north sixty-nine degrees east, one hundred feet, thence north seventy-two degrees thirty minutes east, twelve hundred and fifteen feet; the other route commenc-

Location of the
route, &c.

Direction of the
other route.

ing at the same point, and taking a more easterly direction, passing through the central point of the north parish in Andover, and intersecting the first route at station two hundred and thirty, on the bank of the Merrimack river, as designated on the plan before referred to, with liberty to make such variations as may be necessary and proper to form the requisite curves in said road, and, on obtaining the consent of the owners of the land, and of the selectmen of the towns through which said road passes, to make such other variations in the line of said road as may be deemed necessary. And the said corporation are authorized to lay out their road at least four rods wide through the whole length, and as much wider as may be necessary to form the proper slopes of the embankments and cuttings.

Powers, &c.

SEC. 2. *Be it further enacted*, That said rail-road corporation shall have all the powers and privileges, and be subject to all the duties, and the Commonwealth shall have all the rights, in respect to the road hereby authorized to be made, which exist in the act to which this act is in addition: *provided, however*, said corporation shall not have authority to take land unless by consent of the owner without the limits of the location of said road, for the purpose of procuring materials for the construction of the same. And all damages paid for lands belonging to any married woman shall enure to her sole use.

Proviso.

Power of Commonwealth to
purchase said
road, &c.

And it shall be in the power of the Commonwealth at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening of the said road for use, to purchase of the said corporation the said rail-road, and all the franchise, property, rights and privileges of the said corporation, by paying therefor such sum or

sums as will reimburse the stockholders for the capital stock paid in, with a net profit thereon of ten per cent. per annum, from the time of the payment thereof by said stockholders, to the time of such purchase, and no more.

SEC. 3. *Be it further enacted*, That for the purpose of constructing said road, said corporation are hereby authorized, and empowered, by vote of the stockholders at a meeting specially notified for the purpose, to increase their capital stock by the creation of an additional number of shares to be assessed the same amount as the shares which are already created by their act of incorporation: *provided*, that the additional number of shares so to be created shall not exceed two thousand, and the proprietors of the shares already created for the time being shall have the option of subscribing to the said additional shares in proportion to the amount which they may hold respectively of the said original shares.

Corporation authorized by vote, to increase their capital stock, &c.

SEC. 4. *Be it further enacted*, That, if the additional stock granted by this act shall not have been subscribed, and the location of the road hereby granted, filed with the county commissioners for the county of Essex, previous to the first day of February, in the year of our Lord eighteen hundred and thirty-seven, or if said corporation shall fail to complete said rail-road by the first day of December, in the year of our Lord eighteen hundred and thirty-nine, in either case so much of this act as regards the road hereby granted shall be null and void.

Time to finish rail-road.

SEC. 5. *Be it further enacted*, That any rail-road company which may be incorporated, may be authorized to enter with their rail-road at any point

Any other incorporated rail-road company may enter with their road, &c.

of the road hereby granted, paying for the right to use the same, or any part thereof, such rate of toll, and complying with such rules and regulations as may be established by this corporation, by virtue of the fourth section of the act to which this is in addition.

Corporation authorized to file with the county commissioners new location, &c.

SEC. 6. *Be it further enacted*, That said corporation are hereby authorized to file with the county commissioners for the counties within which the land proposed to be taken is situate, a new location of such parts of the road granted by the act to which this in addition as they may deem necessary: *provided*, the same be done with the consent of the selectmen of the towns in which the land proposed to be taken is situate before the first day of January next: and *provided, also*, that if said corporation shall file a new location, it shall not be lawful for said corporation to take stone, gravel or other materials for the construction of said road without the limits of the lines of their road location, unless by the consent of the owner of such land or materials; and the said corporation shall be allowed the further time of two years from the first day of January in the year of our Lord one thousand eight hundred and thirty-six, to complete said road.

Time allowed for completing road.

[Approved by the Lieut. Governor, April 7, 1835.]

CHAP. CXXXV.

An Act in addition to "An Act to regulate Elections."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every person hereafter elected to the office of selectman of any town or district in this Commonwealth, who shall enter on the performance of the duties of his said office, before taking the oath or affirmation required by the second section of the statute of one thousand eight hundred and thirty-three, chapter one hundred and forty-one, to which this act is in addition, shall forfeit and pay a sum not exceeding eighty dollars, and not less than forty dollars, for each offence, to be recovered by indictment in any court competent to try the same, or by action of debt at the suit of any person who may sue for the same.

Penalty for acting officially before sworn.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXXXVI.

An Act to prevent the destruction of certain Birds.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter it shall not be lawful for any person to take, confine, kill, or destroy, any of the birds called plover, curlew, dough bird, or chicken-bird, at any period from the twentieth day of April, to the first day of September, in every year, between the setting of the sun, and one hour before the rising of the same; and if any person shall take, confine, kill, or destroy, any of the birds aforesaid, within the time limited as aforesaid, he shall forfeit and pay, for each and every plover, curlew, dough-bird, or chicken-bird, so taken, confined, killed, or destroyed, the sum of one dollar; the forfeiture aforesaid to be recovered in an action of debt, before any court having jurisdiction of the amount demanded, by any person, to his own use, who shall sue for the same, within one year from the time the offence was committed; or said forfeiture may be recovered by complaint before any justice of the peace, in the name of the Commonwealth, to the use of the county where the prosecution may take place; and on failure to pay such forfeiture and costs on conviction, the offender shall be committed to prison for a term not less than five, nor more than twenty days.

Forfeiture to be recovered in an action of debt.

Implements to be used in killing wild game.

SEC. 2. *Be it further enacted,* That no person or persons shall at any time kill or destroy any of the birds described in the preceding section, by the use of any other means or implements than such as are

usually employed in fowling or killing wild game, and that every person offending herein, shall, for every such offence, be subject to the like forfeitures and penalties as are herein before provided, to be sued for and recovered in like manner, and to the uses as aforesaid.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXXXVII.

An Act to repeal "An Act to regulate the taking of Fish in Connecticut River."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a statute of the year one thousand eight hundred and twelve, chapter one hundred and three, entitled "An Act to regulate the taking of Fish in Connecticut River," be, and the same is hereby repealed. Act repealed.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXXXVIII.

An Act to provide for the Distribution of the Income of the Massachusetts School Fund.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the school returns from the city of Boston and the several towns and districts in the Commonwealth, provided to be made When to make returns.

Inquiries in respect to all the Schools in the Town.

| | |
|--|------|
| What amount of money is raised by taxes in the Town, for supporting the Common Schools; and what by voluntary contributions ? | Ans. |
| What part of the money raised by taxes, is paid for furniture, wood, and incidental expenses, and what part for instruction only ? | Ans. |
| Are there any Private Schools or Academies, and what is the average number, in the year, attending them ? | Ans. |
| What is the estimated amount paid for tuition in such Schools and Academies ? | Ans. |
| Are the School Committee regularly chosen each year ; do they organize, and do they visit and examine the Schools, as required by law ? How are the examinations conducted ? | Ans. |
| Do Parents interest themselves in the character of the Schools and attend the examinations ? | Ans. |
| What are the Books in general use, specifying Spelling Books, Arithmetics, Grammars, Geographies, Reading, and other Books ? | Ans. |
| Who selects the Books ? | Ans. |
| What is the furniture of the School House and the apparatus, including Maps ? | Ans. |
| Is it desirable to increase the amount of studies ? | Ans. |
| Are there any local funds ? | Ans. |

Form of returns.

Towns, &c. neglecting to return.

And no apportionment of the school fund, as hereinafter provided, shall be made to any city, town, or district, which shall have failed to make returns according to law, for the year next preceding the time of said apportionment.

When to apportion.

SEC. 2. *Be it further enacted*, That the income arising from the school fund established by the statute of one thousand eight hundred and thirty-four, chapter one hundred and sixty-nine, shall be apportioned by the secretary and treasurer of the Commonwealth, to the city of Boston, and the several towns and districts in the Commonwealth, on the first day of January, annually, in the following manner, to wit: the said income shall be divided into two equal parts, and one moiety thereof shall be apportioned to the said city, and to the towns and districts, on the ratio of population as determined by the next preceding census of the United States; the other moiety shall be apportioned on the ratio of the amount of monies raised by taxation and expended by each city, town, or district, for the support of common schools, in the next preceding year, as by the several school returns shall appear.

Marshpee.

SEC. 3. *Be it further enacted*, That there be allowed and paid to the commissioner of the Marshpee Indians, on the first day of January of every year, the sum of one hundred dollars out of the income of the school fund, to be applied under the direction of the said commissioner, to the support of common schools among the said Indians.

Monies apportioned, shall be paid, &c.

SEC. 4. *Be it further enacted*, That the monies apportioned, as herein provided, shall be paid by the treasurer of the Commonwealth to the mayor and aldermen of the city of Boston, and to the selectmen of the several towns and districts respectively, and

to the commissioner of the Marshpee Indians, and that warrants be drawn therefor accordingly.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXXXIX.

An Act for the further regulation of the erection of
Wooden Buildings in the City of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, from and after the passing of this act, no wooden building of more than sixteen feet in height, from the ground or foundation thereof, shall be erected in the said city of Boston, except under the following limitations and restrictions, namely: the dimensions of such building, on the ground, not to exceed twenty-five feet by fifty feet; or, being in any other proportion, not to cover more than twelve hundred and fifty superficial feet of land; the walls not to exceed twenty feet in height from the under side of the sills, which sills may be three feet six inches above the level of the street, to the eaves of the roof; the roof in the highest point thereof not to rise more than thirty-two feet from the under side of the sills aforesaid, and there shall be at least one scuttle at or near the highest point of said roof.

Height of wooden buildings.

Dimensions.

SEC. 2. *Be it further enacted,* That when two or more such two story buildings as are provided for

When two stories high, to be separated by a wall.

Proviso.

in this act, shall be erected in connection, or within three feet of each other, or within three feet of any other wooden building, more than sixteen feet in height, there shall be an entire brick or stone wall between them, commencing from the foundation of said wall, and carried to the height of twelve feet above the level of the street, at least twelve inches in thickness, and the residue of said wall shall be of at least eight inches in thickness, and in case any openings are made through said walls, the same shall be secured against fire by iron doors applied to such openings: *provided*, that such brick or stone walls may be dispensed with by consent, in writing, of the mayor and aldermen of the city of Boston, on what are commonly called the neck lands, in said city: *provided, also*, that nothing in this act shall in any way affect that part of the said city called South Boston, or repeal any of the provisions of the existing law relative to the erection of buildings in that place: and, *provided, further*, that that part of the said city of Boston, known by the name of East Boston, shall be entitled to the same rights and privileges as to the erection of wooden buildings, which now belong to that part of said city called South Boston.

Penalty.

SEC. 3. *Be it further enacted*, That, if any person or persons shall violate the provisions of this act, such person or persons, on conviction thereof, in any court competent to try the same, shall forfeit and pay for every such offence, a sum not less than fifty, nor more than five hundred dollars, and shall be liable to a like prosecution and penalty for each and every year after such conviction, until such building or buildings, erected contrary to the provisions aforesaid, shall be removed or made to conform thereto;

and the said penalties and forfeitures incurred by virtue of this act may be recovered by indictment, to the use of the city of Boston, or by an action of debt in any court competent to try the same, one half to the use of the person or persons who shall sue therefor, and the residue to the use of the said city.

SEC. 4. *Be it further enacted*, That it shall be the duty of the board of engineers of the said city, to cause suits to be commenced without delay against each and all who shall violate the provisions of this act, and to prosecute the same to final judgment.

Engineers to cause suits.

SEC. 5. *Be it further enacted*, That all acts and parts of acts respecting the erection of wooden buildings in the city of Boston, excepting such only as relate in any way to brick or stone buildings, be, and the same are hereby repealed.

All previous acts repealed, excepting, &c.

SEC. 6. *Be it further enacted*, That this act shall not take effect until the same shall have been approved by the citizens of said city, at a legal meeting thereof duly convened for that purpose, within sixty days from the passage of this act.

Acts when to be approved.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXL.

An Act more effectually to suppress Riots.

Mayor, &c. to
command per-
sons unlawfully
assembled to dis-
perse, &c.

To be seized, in
case they do not
disperse.

Persons refusing
to assist. &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, if any persons to the number of twelve or more, being armed with clubs, or other dangerous weapons, or if any number of persons, consisting of thirty or more, armed or not armed, shall be unlawfully, routously, riotously, or tumultuously assembled, in any city, town or district in this Commonwealth, it shall be the duty of the mayor of such city, and each of the aldermen thereof, and of each of the selectmen of such town, or district, and of each and every justice of the peace living in said city, town or district, and of the sheriff of the county or any or either of his deputies, forthwith to go among said persons, so unlawfully assembled, or as near to them as safely may be, and in the name of the Commonwealth, to command them immediately and peaceably to disperse; and if the persons so assembled do not immediately disperse, the magistrates and officers aforesaid, are, and each of them is, hereby authorized to seize the persons so assembled, and to keep them in custody, to be proceeded against according to law; and for this purpose to command the aid and assistance of all and every person there present; and any person there present, who being commanded by such magistrate or officer to aid and assist in seizing said rioters, or to suppress such riot, and unlawful assembly, and who shall refuse or neglect to obey such command, or who being

required by such magistrate or officer to depart from the place of such tumultuous assembly, shall neglect or refuse so to do, shall be deemed and taken to be one of the rioters, and be liable to be prosecuted accordingly.

SEC. 2. *Be it further enacted*, That it shall be the duty of every mayor, and aldermen of any city, and every justice of the peace, and selectmen of any town or district, and the sheriff of the county or any or either of his deputies, whenever any person shall be unlawfully assembled in their respective cities, towns or districts, as aforesaid, immediately to proceed to the place of their assembling, or as near thereto as safely may be, and to take such measures as are herein provided, to disperse such assembled persons; and each and every of the aforesaid magistrates and officers, who knowing of such unlawful and tumultuous assembly, shall neglect or refuse to proceed as aforesaid, or who shall wilfully or negligently omit to exercise the authority with which he is invested by this act, shall be deemed guilty of a misdemeanor, and be liable to pay a fine not exceeding three hundred dollars for every offence, to be recovered by indictments in any court competent to try the same.

Duty of Mayor and Aldermen, &c. in case of an unlawful assemblage of persons.

Magistrates, &c. liable to pay a fine, for negligence, &c.

SEC. 3. *Be it further enacted*, That, if any persons so assembled as aforesaid, after command given to them to disperse as above is provided, shall refuse or neglect to disperse without unnecessary delay, any two of the magistrates or officers aforesaid may require the aid of a sufficient number of persons in arms or otherwise, and may proceed to take such measures as in the judgment of such two magistrates or officers are expedient, to disperse said tumultuous assembly, and to seize and secure the persons composing the same; and if any such persons, or any other

Persons refusing, or neglecting to disperse after being warned.

persons then being present, as spectators or otherwise, shall be killed or wounded by reason of the efforts so made by direction of any such two magistrates or officers, to disperse said assembly, and to seize the persons composing the same, the said magistrates and officers, and all persons acting by or under their orders and directions, shall be held guiltless and justified in law ; but if said magistrates and officers, or either of them, or any persons acting under their orders and directions, shall be killed or wounded, the said persons so tumultuously and riotously assembled, shall be held answerable therefor.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLI.

An Act in further addition to "An Act to enable Creditors to receive their just demands out of the goods, effects, and credits of their Debtors, when the same cannot be attached by the ordinary process of law.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any trustee process may be brought and maintained in the county where the trustee shall reside, before any justice of the peace or any police court, or before the justices' court for the county of Suffolk, in all cases where the sum demanded in damages against the principal debtor shall not be more than twenty dollars, and

Trustee process
may be brought,
&c.

the several provisions contained in the act to which this act is in addition, and in the several acts in addition thereto, in relation to process against trustees, so far as the same are applicable to, and not inconsistent with, process before a justice of the peace, shall be taken and held to apply to any trustee process, and all proceedings thereon before a justice of the peace, police court, or the justices court for the county of Suffolk; and when any trustee process shall be instituted before a justice of the peace, police court, or justices court for the county of Suffolk, the forms and proceedings, mentioned in the said acts, shall be varied in such manner as the jurisdiction of the case by a justice of the peace shall render necessary and proper: *provided*, that no person shall be held to answer to any trustee process before any justice of the peace, police court, or the justices court for the city of Boston, unless the place appointed for the return and hearing of the same shall be within the town or city where such person shall reside.

Forms, &c. to be varied as the case may require.

Proviso.

SEC. 2. *Be it further enacted*, That where actions are brought before a justice of the peace, or a police court, or the justices court for the county of Suffolk under this act, the trustee shall be allowed thirty-three cents a day for his attendance, if he appear and answer on the return day of the writ; and if he be charged, such reasonable sum as the justice shall order, and all other fees in the case shall be the same as now provided by law in actions triable before a justice of the peace.

Trustees fee for attending court.

SEC. 3. *Be it further enacted*, That in the actions mentioned in the first section of the act to which this is in addition; and which may hereafter be commenced against any body politic or corporate,

the several provisions of said act, and of the several acts in addition thereto, and of this act, shall be held to apply in the same manner as if the words "other than bodies politic and corporate" were not in said section.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLII.

An Act to change the names of persons therein mentioned.

Change of
names.
County of Suffolk.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Stephen Chase of Boston, may take the name of Stephen Chase Bent; that Julia Ann Chase, wife of said Stephen Chase, may take the name of Julia Chase Bent; that Frederick Wentworth of Boston, may take the name of Frederick Augustus Wentworth; that Epaphias Kibby Brodhead of Boston, may take the name of George Hamilton Brodhead; that Benjamin Callender of Boston, may take the name of Benjamin Franklin Callender; that John Chandler of Boston, may take the name of John Green Chandler; that Godfrey Cady of Boston, may take the name of William Godfrey Cady; that James Leach, Jr. of Boston, may take the name of James L. Duncan; that Jeremiah Fenno Holden of Boston, may take the name of Edward Holden; that Simon Rowland Hart of Boston, may take the name of Rowland St. Victor; that Philip Page of Boston, may take the

name of Philip Sidney Page; that Edward Augustus Hayman Rogers of Boston, may take the name of Edward Hayman Rogers; that John Boies Broaders of Boston, may take the name of John Dudley Richards; that James Smith of Boston, may take the name of James Wiggin Smith; that Lydia Sprague, daughter of Samuel Sprague of Boston, may take the name of Mary Chadwick Sprague; that Benaiah Spaulding of Boston, may take the name of Benaiah Prescott Spaulding; that Fonzo White of Boston, may take the name of William Fonzo White; that Alexander Mair of Boston, may take the name of Alexander Mair Williams; that George Washington Gorton of Boston, may take the name of George Washington Gorton Williams; that Samuel Whiting of Boston, may take the name of Samuel Greenwood Whiting; that Elisha E. Wellman of Boston, may take the name of Samuel Ellenwood Wellman; and that his adopted daughter Sarah Jane Hamilton, may take the name of Sarah Ann Wellman; that Lyman Gaschall Reed of Boston, minor son of Thomas and Hannah Reed, may take the name of Elisha Smith Reed; that Isabella Parker, a minor, daughter of Isaac Parker of Boston, may take the name of Isabella Graham Parker; and that Henry Parker, a minor son of said Isaac Parker, may take the name of Henry Melville Parker; that Hartford Olney Claflin of Boston, may take the name of Henry Claflin; that John Holker Welch, a minor son of Francis Welch of Boston, may take the name of Edward Holker Welch; that John Boyd Wallace of Boston, a minor, may take the name of John Wallace Boyd; that Alfred Bertenshaw of Boston, may take the name of Alfred B. Shaw; that Abigail Howe of Bos-

County of Suffolk.

County of Suffolk.

ton, a minor, may take the name of Abigail Howe Amee; that Lewis Wilder of Boston, may take the name of Charles Lewis Wilder; that Abigail, daughter of Thomas Jackson of Boston, may take the name of Abigail Callender Jackson; that James Adams, Jr. of Boston, may take the name of James Bartlett Adams; that Thomas Bird Murphey may take the name of Thomas Murphey Bird; that Henry Snook of Boston, may take the name of Henry Snook Bacon; that William Eaton of Boston, a minor, may take the name of William Storer Eaton; that James Harris of Boston, a minor, may take the name of James Watson Harris; that Lars Olsson of Boston, may take the name of Lewis Olsson; that Isaac Wharff Smith may take the name of Isaac William Smith: all of the county of Suffolk.

County of Essex.

That John Felt of Salem, may take the name of John G. Felt; that Jonas Loskey of Salem, may take the name of George Loskey; that Jonathan Archer Ropes of Salem, may take the name of Archer Ropes; that Royal Augustus Averell of Middleton, may take the name of Albert Augustus Averell; that Samuel Christopher Kilby White of Middleton, may take the name of Henry Mansfield; that Daniel Augustus Rogers of Gloucester, minor son of Betsey Rogers, may take the name of Daniel Webster Rogers; that William Pool, Jr. of Gloucester, son of the late William Pool of Hallowell, state of Maine, may take the name of William Grover Pool; that Deborah Lambert Bridges of Rowley, may take the name of Deborah Hubbard Bridges; that Charles Wilkins of Salem, may take the name of Charles Frederick Wilkins; that Willard Harding, Jr. of Lynn, may take the name of Willard Mason Harding; that George Creasey of Rowley, may take the name of

George W. Creasey; that Owen Eaton of Andover, may take the name of Franklin Howard Eaton; that Daniel Hale Jaques, minor son of William Jaques, late of Newbury, deceased, may take the name of William Jaques; that Andrew Standley third of Beverly, may take the name of Andrew Warren Standley; that Mary Lindsey of Salem, may take the name of Mary Lindsey Putnam; that Joshua Eliphalet Hills of Newburyport, may take the name of Eliphalet Hills; that John Patten Sargent of Amesbury, may take the name of Porter Sargent; all of the county of Essex.

That Ezekiel Lysander Bascom Lamb of Framing-
ham, may take the name of Lysander Wheelock; County of Middlesex.
that Andrew Munroe, Jr. of Reading, may take the name of Andrew Brigham; that Jeremiah Paine of Reading, may take the name of Jeremiah Putnam; that Cheney Allen of Woburn, may take the name of George Cheney Allen; that Samuel H. Newell of Cambridge, may take the name of John Stark; that Joshua Barrett of Westford, a minor, may take the name of Joshua Payson Barrett; that Edward Woodcock of Groton, may take the name of Charles Edwards Weston; that David Woodcock of Groton, may take the name of David Brainard Weston; that Washington Woodcock of Groton, may take the name of George Washington Weston; that Charles Ensworth of Cambridge, may take the name of Charles Ward Tracy; that Joel Newton Onthank of Weston, may take the name of Joel Newton; that Edward Rogers, and Edmund Rogers of Groton, minors, sons of Willard Rogers, may severally take the names of Edward Rogers Blood, and Edmund Rogers Blood; that Josiah Rider of Lowell, may take the name of Josiah Lawrence; that Robert L.

Eells, and Louisa H. Eells of Medford, may severally take the name of Robert L. Ells, and Louisa H. Ells; that Mary Holden of Waltham, may take the name of Mary Raymond Motley; that George Washington Falconer of Newton, a minor, may take the name of Samuel Adlam; that Olive Bean of Holliston, may take the name of Elizabeth Olive New; that Augustus Crossman of Cambridge, a minor, may take the name of Augustus Stedman; that John Williams of Framingham, a minor, may take the name of John Williams Turner; that Susan Rebecca Dame of Medford, may take the name of Susan Rebecca Steel; all of the county of Middlesex.

County of Worcester.

That David B. Rider of Hubbardston, may take the name of David B. Makepeace; that Harriet F. Thompson of Hubbardston, may take the name of Harriet F. Phelps; that Metcalf C. Hardy of Worcester, may take the name of William Seth Hardy; that Samuel Hardy of Worcester, may take the name of Samuel Henderson Hardy; that Zacharius Reed of Warren, may take the name of Alden Reed; that Timothy S. Rice of Leominster, may take the name of George Kendall; that Lawyer Stanford of Milford, may take the name of Joel L. Stanford; that Otis Sanford Billings of Sutton, may take the name of Lysander Woodburn Henderson; that Nicholas Cowper Moore of Princeton, may take the name of Humphrey Moore; that Minerva Morse of Southbridge, may take the name of Oscar Plimpton Morse; that Ivory Stackpole of Athol, a minor, may take the name of William Ebenezer Kelton Fowle; that Samuel Fiske Jr. of Southbridge, a minor, may take the name of Samuel Lynn Fiske; that Eunice Cronch of Bolton, may take the name of Eunice

Nelson; that Leander Loring Ball of Princeton, County of Worcester. may take the name of Leander Loring; that Luther L. Lackey of Princeton, may take the name of Lurestan Chanvelin; that Cyril Flint of Barre, may take the name of Francis Allen, and that Mary his wife, as also their three children, minors, namely, John, Georgiana and Moriah, may severally take the surname of Allen; that Eliza Earl of Hardwick, may take the name of Mary Eliza Earl; that Martha Houghton of Bolton, may take the name of Martha Stearns Houghton; that Mary Gardner of Bolton, may take the name of Mary Louisa Gardner; that Betsey Osborn of Bolton, may take the name of Elizabeth Wyman Osborn; that Miranda Wheelock of Winchendon, may take the name of Miranda Elizabeth Wilder; that Henry Jackson Davis of Grafton, may take the name of Henry Davis; that Bostic Penniman Greenlief of Dudley, may take the name of Thomas Bostic Penniman; all of the county of Worcester.

That Francis Witt of South Hadley, may take the County of Hampshire. name of Francis DeWitt; that Lyman Nobles Jr. of Northampton, may take the name of Cyrus Dwight Nobles; that John Northum Jr. of Greenwich, may take the name of John Willcox Northum; that Harriet Graves of Hatfield, may take the name of Harriet Cornelia Graves; that Zilpha Nutting of Leverett, may take the name of Jane Celeste Nutting; that Orrin Blush Smith of Middlefield, a minor, may take the name of Charles Smith; that Oliver Smith of Middlefield, a minor, may take the name of Milton Smith; that Consider Scott of Hatfield, may take the name of Consider Williams Scott; that Elijah Brass of Southampton, may take the name of Elijah Brass Emerson; that Ashael Salmon Abels

of Northampton, may take the name of Ashael Salmon Abell; that James Stebbins of Ware, a minor, may take the name of James Dexter Eddy; all of the county of Hampshire.

County of Hampden.

That David Needham 2d, of Wales, may take the name of David Besse Needham; that Harriet Tiltonson of Granville, a minor, may take the name of Harriet Seymour; both of the county of Hampden.

County of Franklin.

That Julia Wait of Whately, may take the name of Julia Angeline Wait; that Seth Washburn Willard of Greenfield, a minor, may take the name of Washburn Willard Graves; that Lucy Maria Whitney of Warwick, may take the name of Lucy Whitney Pierce; that Esbon Elnathan Williams of Wendell, a minor, may take the name of William Claggett Johnson; all of the county of Franklin.

County of Berkshire.

That Mercy Turner of Clarksburg, may take the name of Mercy Shipping; that Diana Huntington of Becket, may take the name of Frances Diana Huntington; that George Turner of Stockbridge, a minor, may take the name of George Nash Turner; that Douglass Turner of Stockbridge, may take the name of Douglass Kellogg Turner; all of the county of Berkshire.

County of Norfolk.

That Volley Swain Death of Walpole, may take the name of Samuel Dickinson; that Aaron Stetson of Quincy, may take the name of James Aaron Stetson; that Francis Antignola of Weymouth, may take the name of Francis Hamilton; that Bathsheba H. Balch of Medfield, may take the name of Ellen B. H. Balch; that Abigail Riley of Dorchester, may take the name of Abigail Bartlett Ordway, and that her infant daughter Sarah Hale Riley, may take the name of Sarah Hale Ordway; all of the county of Norfolk.

That Theodore Augustus Bigelow of Taunton, County of Bristol. a minor, may take the name of Theodore Stanwood Bigelow; that Greenleaf Orin Norice Bliss of Seekonk, may take the name of Orin Norice Bliss; that William Gifford of Dartmouth, may take the name of William Sisson Gifford: all of the county of Bristol.

That Prince William Snow of Nantucket, a mi- County of Nantucket. nor, may take the name of Aaron Prince Snow: and the several persons herein mentioned are hereby authorized to take, and hereafter be known by the respective names which by this act they severally are authorized to assume.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLIII.

An Act in addition to an Act regulating Attachments on Mesne Process.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when any personal property, belonging to two or more persons, is attached on one or more writs, against one or more of the part-owners thereof, the property so attached shall, upon the request of any one or more of the other part-owners, not being sued in such writ or writs, be examined and appraised in the manner prescribed in the second section of the act to which this is in addition. Property attached on one or more writs, &c.

Property appraised, shall be, &c.

SEC. 2. *Be it further enacted.* That the property so appraised shall be delivered to the party or parties making such request, upon his or their giving bond to the attaching officer in a sufficient penalty, and with two sufficient sureties, with condition to restore the same in like good condition, or to pay to the officer the appraised value of the said defendant's share or interest in such property, to satisfy all such judgments as shall be recovered in the suits in which the property is attached, if demanded within the time during which the property would have been held by the respective attachments; and if such appraised value shall be so paid, said defendant's share of said property shall thereby become pledged to the party to whom the same was delivered, and may be holden and sold therefor in the same manner as other pledges.

Officer to make return of his doings with the bond.

SEC. 3. *Be it further enacted,* That the doings of the officer together with said bond, shall be returned by him in the same manner, and the same proceedings may be had upon such bond, as is provided in the fourth section of the act to which this is in addition.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLIV.

An Act in addition to the several acts for regulating, governing and training the Militia of this Commonwealth.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act of one thousand eight hundred and thirty-four, chapter one hundred and fifty-two, the act of the same title as this act, be amended, so as to provide that instead of three dollars, the members of the several volunteer companies therein mentioned shall be allowed the sum of five dollars annually, and be paid according to the provisions of the act aforesaid, and that warrants be drawn therefor.

Former act amended, so as to provide, &c.

SEC. 2. *Be it further enacted,* That no idiot, lunatic, common drunkard, vagabond or pauper, nor any person who has been duly convicted of any infamous crime, nor any person, other than free, white, able-bodied male citizens, shall be enrolled in the militia of this Commonwealth, or shall be eligible to any office therein; and whenever it shall appear to the commander in chief that any person thus ineligible has received a majority of the votes cast at any election of militia officers in this Commonwealth, he shall, with the advice and consent of council, declare said election null and void, and shall proceed to appoint some suitable person to fill the vacancy, agreeably to the constitution of this Commonwealth.

Persons not to be enrolled in the militia, nor eligible to any office.

Officers unfit to discharge their duties, to be discharged by the commander in chief.

SEC. 3. *Be it further enacted,* That, whenever it shall appear to the commander in chief, that any officer duly commissioned to command in the militia has become either unable or unfit to discharge the duties of his office, and to exercise proper authority over those whom he commands, the commander in chief shall have power, and it shall be his duty, with the advice and consent of council, on the petition of one or more of his superior or subaltern officers, forthwith to grant him a discharge.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLV.

An Act concerning Sales of Property on Execution.

Sale of property on execution.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in all cases in which any execution shall be returned in whole, or in part, satisfied by sale of property, and it shall afterwards appear that the judgment debtor did not own said property, the purchaser may have his action of assumpsit to recover back the amount paid for the same, and upon such recovery, the judgment creditor may have a writ of *scire facias* on his judgment for a new execution.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLVI.

An Act relating to the Real Estate of Married Women taken for Public use.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Supreme Judicial Court shall have power, upon application, on behalf of any married woman, whose real estate may hereafter be taken for public use, to hear and determine in equity, and make such order and decree respecting the disposition of the compensation or damages to be received therefor, as to them shall seem just and equitable.

Real estate of married women damages for when taken for public use.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLVII.

An Act to regulate Mutual Fire Insurance Companies.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all Mutual Fire Insurance Companies, which shall hereafter be incorporated, or whose charters shall be extended, shall be governed by the provisions of this act.

Fire Insurance Companies hereafter incorporated.

Entitled to all the powers, &c. of a previous statute.

SEC. 2. *Be it further enacted*, That the said insurance companies shall be entitled to all the powers and privileges contained in the statute of the year one thousand eight hundred and thirty-three, chapter eighty-three.

Number of directors.

SEC. 3. *Be it further enacted*, That every such corporation shall annually elect not less than five directors, who at the time of their election shall be citizens of the Commonwealth, and, after the first election, members of the corporation, and who shall manage and conduct all the affairs and business of the corporation; and all elections shall be by ballot, and in the manner prescribed by the by-laws, and absent members may vote by proxy: *provided*, that no one member shall be allowed more than five votes.

Directors to meet for the choice of officers.

SEC. 4. *Be it further enacted*, That the directors shall meet as soon as may be after their election, and choose one of their number to be president, and they shall also choose a secretary and treasurer; and the treasurer shall give bond in such sum, as the directors shall order. The secretary shall be sworn to the faithful discharge of his duty, and he shall keep a true record of all votes of the corporation and of the directors, and of all policies issued by the corporation, and of all assignments of such policies consented to by them. And the record of said policies and assignments shall be open to the inspection of any person interested therein; all the officers shall hold their offices until others are chosen, and all vacancies may be filled by a special election in the manner prescribed for annual elections.

Secretary to be sworn, &c.

May insure for seven years.

SEC. 5. *Be it further enacted*, That when the sum of fifty thousand dollars shall be subscribed, to be insured by any such corporation, they may insure

for a term not exceeding seven years, upon any building within this Commonwealth, any amount not exceeding three-fourths of the value thereof. And all policies of insurance by them made shall be subscribed by the president, or in case of his death, inability, or absence, by any two of the directors, and countersigned by the secretary, and shall be binding upon the corporation, and have the same effect as if under their corporate seal. Policies to be signed by the president, &c.

SEC. 6. *Be it further enacted,* That every person who shall be insured by said corporation shall be a member thereof so long as he shall be thus insured. Person insured to become a member.

SEC. 7. *Be it further enacted,* That the funds of every such corporation shall be invested in stocks, or loaned on security, as the directors may order, and shall be appropriated, first, to pay their expenses, and then to pay the damages which any member may be entitled to recover on his policy. And if any member shall have a just claim upon said corporation, founded upon a policy issued by them, exceeding the amount of their then existing funds, exclusive of deposit notes given by the members, the directors shall forthwith assess such sum as may be necessary to pay the same, upon the members, in proportion to the amount of their premiums and deposits severally, for seven years, but not to exceed double the amount of such premiums and deposits. Funds to be invested in stocks, &c.

SEC. 8. *Be it further enacted,* That whenever sufficient goods or estate of any such corporation cannot be found, to satisfy any execution issued against them, founded upon a judgment on any policy issued by them, and the said corporation have sufficient goods or estate to satisfy the same, and the directors shall neglect or refuse to pay the said

execution; or if the directors shall refuse or neglect, for thirty days after the rendition of such judgment, to make such an assessment as they may be authorized to make therefor, and to deliver the same to the treasurer, and direct him to collect the same; or if, when the said assessment is collected, the directors shall refuse or neglect to apply the same upon said execution, then and in either case the directors shall be personally liable for the full amount of said execution.

Assessments,
how collected.

SEC. 9. *Be it further enacted,* That whenever the directors of any such corporation shall commit to the treasurer any assessment made by them upon the members, with directions to collect the same, and the treasurer shall unreasonably refuse or neglect to collect the same, and to apply the proceeds to the claim for which said assessment was made, he shall be liable, in his private capacity, for the aggregate amount of said assessment to the person entitled thereto, who may maintain an action against him therefor. And the treasurer shall have authority to retain to his own use any sum or sums which he may pay in consequence thereof, out of any monies by him received to the use of the corporation.

Whenever directors
are liable to
pay an execution,
creditors may
sue, &c.

SEC. 10. *Be it further enacted,* That whenever the directors shall be liable by the provisions of this act, to pay any execution against any such corporation, an action of debt against any or all of them may be sued by the creditor in such execution, the declaration in which action shall state the claim against the corporation, and the ground on which the plaintiff expects to charge the defendants personally; or the liability of the said directors, or of any of them, may be ascertained and enforced by proceedings in chancery in the supreme judicial court.

And any director who may voluntarily, or by compulsion, pay any execution against the corporation for which he is personally liable, shall have a remedy by bill in chancery before said court, for a contribution against any other director or directors, for his or their due proportion thereof. And the directors shall also have a remedy by action at law, or a bill in chancery against the corporation for the money so paid by them.

SEC. 11. *Be it further enacted*, That each policy issued by any such corporation shall of itself, and without any other ceremony, create a lien on the interest of the person insured, in any building thereby insured, and in the land under the same, for the security and payment of any sums for which he may be liable to be assessed, in consequence of taking or holding said policy: *provided*, the extent of such liability, and the intent of the corporation to rely upon such lien, shall be set forth in the policy; and that such lien shall cease, upon the expiration of the policy, or upon the alienation of the estate to a *bona fide* purchaser, unless the policy shall be continued in force by consent of the purchaser, notwithstanding such alienation. And if it shall become necessary to resort to such lien for the payment of any deposit note or any assessment secured by such lien, the treasurer shall demand payment thereof from the assured, or his legal representatives, and also from any tenant in possession of the insured premises, setting forth in writing the sum so due; and in case the same is not paid, the corporation may maintain an action therefor, and may levy any execution issued in such action, upon the estate subject to the lien. And the officer making the levy may sell the whole or any part thereof at auction, and shall apply

Policies issued to create a lien on the interest insured.

Proviso.

When necessary to resort to such lien for payments of deposit notes, &c.

Officer making the levy may sell at auction, &c.

the proceeds of such sale, in the same manner as is required by law, in the sale upon execution of equities of redemption of mortgaged premises; and the owner shall have the same right to redeem the same as is provided in case of such sales of equities of redemption.

Members, at the expiration of their policy to receive their share of the funds.

SEC. 12. *Be it further enacted*, That each member of any such corporation shall, at the expiration of his policy, have a right to demand and receive from them his share of the funds then remaining, after paying all expenses and losses then incurred, in proportion to the sum or sums by him actually paid in consequence of said policy.

Liable to be taxed like similar institutions; and lay before the legislature a statement of their affairs, &c.

SEC. 13. *Be it further enacted*, That all such corporations shall be liable to be taxed by any general law taxing similar institutions; and the directors thereof shall, when required by the legislature, lay before them, or any committee appointed by them, a statement of their affairs and business, and submit to an examination concerning the same, under oath.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLVIII.

An Act in addition to an Act for defining the rights and duties of Rail-road Corporations in certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the security requir-

ed to be given by the third section of the act to which this is in addition, shall be so extended, as to embrace the damages which may be awarded by a jury in lieu of those estimated by the county commissioners, in case either party shall apply for a jury according to the provisions of said act, together with the costs made by such application, in case the damages are not diminished by the verdict of such jury.

Security to be extended so as to embrace damages awarded by a jury.

SEC. 2. *Be it further enacted,* That the seventh section of said act shall not be held to apply to any rail-road corporation, the location of whose road is particularly described in their act of incorporation.

Seventh section of former act, not to apply when location is particularly described.

SEC. 3. *Be it further enacted,* That no rail-road corporation shall have authority to take, without liberty from the owner, any land or materials for the purpose of constructing or securing their rail-road, unless such land or materials be included within the limits of the rail-road, as the same has been or may be laid out; or unless the county commissioners, on application of such corporation, and on notice to the owner of such land or materials, shall first prescribe the limits within which the same shall be taken for such purpose.

Corporation have no authority to take land or materials, unless, &c.

SEC. 4. *Be it further enacted,* That it shall be the duty of every rail-road corporation to cause a bell to be placed on each locomotive engine passing upon their road, which bell shall be at least of the weight of thirty-five pounds, and the said bell shall be rung at the distance of at least eighty rods from the place of crossing any turnpike, highway, or town-way, upon the same level with the rail-road, and be kept ringing until the said engine has crossed the said turnpike or way. And it shall be the duty of each rail-road corporation to cause boards to be placed and constantly maintained across each turnpike, high-

Bell to be attached to locomotive engine, to be rung, &c.

Sign boards to be placed at the crossings, &c.

Inscription on
sign board.

Further security,
if necessary, to
the public.

way, or town-way, where it is crossed by their rail-road upon the same level therewith, the said boards to be well supported by posts or otherwise, and to be of such height as shall be easily seen by travelers, without obstructing the travel; and on each side of said boards the following inscription shall be printed in capital letters, of at least the size of nine inches each:—Rail-road Crossing; Look out for the Engine while the Bell rings.—And if the selectmen of any town wherein any turnpike, highway, or town-way so crossed by any rail-road is situate, shall be of opinion that the foregoing provision is not a sufficient security to the public in any particular cases, and that it is necessary for such security that gates should be erected across the rail-road, and that an agent should be stationed to open and close said gates, whenever any engine passes, the said selectmen may request, in writing, said rail-road corporation to erect said gates, and station said agent as aforesaid; and in case said corporation shall neglect or refuse so to do, the said selectmen may apply to the county commissioners, for them to decide upon the reasonableness of such request. And if said county commissioners, after due notice and hearing the parties, shall decide that the erection of said gates and providing said agent is necessary for the security of the public, it shall thereupon be the duty of said rail-road corporation to comply with said decision. And in case the said county commissioners shall be of opinion that the establishment of said gates and agent is not required as aforesaid, the said selectmen shall be liable to pay all the costs of their application. But in case the said application shall be sustained by said county commissioners, the costs thereof shall be borne by the said rail-road corporation.

SEC. 5. *Be it further enacted,* That if any rail-road corporation shall unreasonably neglect or refuse to comply with the foregoing requisitions, or any of them, they shall forfeit and pay to the use of the Commonwealth, for every such neglect or refusal, a sum not exceeding one thousand dollars, to be recovered by action or indictment in any court of competent jurisdiction. And if any agent, stationed as aforesaid, shall neglect to open or close said gates for the safe passing of the engine on the rail-road, or the traveller on the turnpike, highway, or town-way, he shall forfeit and pay for every such neglect a sum not exceeding one hundred dollars, to be recovered as aforesaid; and the rail-road corporation shall also be liable for all damages sustained by any person in consequence of such neglect of any of their agents, to be recovered in an action on the case, by the person sustaining such damages.

Fine for neglecting to comply with the foregoing requisitions.

SEC. 6. *Be it further enacted,* That the mayor and aldermen of the city of Boston shall have and exercise all the powers conferred by the fourth section of this act upon the selectmen and county commissioners, within their respective jurisdiction.

Mayor and aldermen to exercise powers, &c.

SEC. 7. *Be it further enacted,* That in all cases where suits are now pending or shall hereafter be brought, wherein the right of any rail-road corporation to locate and construct its rail-road on some particular location is or shall be drawn into question, the time now limited for applications to the county commissioners or otherwise for the ascertaining of damages occasioned by the taking of land or other property in and upon such location, shall be so far extended that such application may be made at any time within one year after the final termination of such suits upon the merits, and the like proceedings

Time extended for the ascertaining of damages, &c.

Proviso,

shall be thereupon had as if the same application had been made within the time now limited, any thing in former acts to the contrary notwithstanding: *provided, however,* that such suits, if not now pending, shall either be brought within one year from the time of the taking aforesaid, or shall be brought for the purpose of trying the same right, which was drawn in question in some former suit, now pending or brought as aforesaid, which failed either for the want of jurisdiction, or defect of form, or other like cause, not deciding the merits of the controversy, and shall be brought within six months after such determination of said former suit.

When to take effect.

SEC. 3. *Be it further enacted,* That this act shall take effect from and after the first day of May next.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CXLIX.

An Act in addition to "An Act to regulate the Pilotage for the Harbour of Boston."

Governor to appoint commissioners of pilots.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the governor, with the advice of the council, be empowered to appoint and commission two persons to execute the office of commissioners of pilots in and for the harbour of Boston; such persons being recommended by the board of trustees of the Boston Marine Society, and

to hold said office during the term of three years, unless sooner removed by the governor and council.

SEC. 2. *Be it further enacted,* That the said commissioners shall grant commissions for pilots and warrants for apprentices to such persons as may be approved by the trustees of the Boston Marine Society, and they shall have power to suspend all pilots and apprentices, now holding, or who may hereafter hold, branches, commissions or warrants, from the performance of their duties as such pilots or apprentices, upon evidence of misconduct, carelessness or neglect of duty, until the next stated meeting of the trustees of the Boston Marine Society; and the commissioners shall have power to revoke or annul the branch, commission or warrant of any such pilot or apprentice, if the trustees of the said marine society at their next stated meeting shall adjudge and determine that the same ought to be revoked, otherwise the commissioners may at their discretion continue the suspension of such pilot or apprentice until the next stated meeting of the said trustees and no longer, for the same offence.

Commissioners to grant commissions for pilots, and warrants for apprentices, &c.

Power of commissioners to revoke or annul the branch, &c.

SEC. 3. *Be it further enacted,* That it shall be the duty of the said commissioners to keep an office, and to be in attendance a part of each day, to receive and consider complaints from and against pilots, and to examine the evidence in support of the same, and they shall at all times diligently see that the laws and regulations for pilotage be duly and properly executed, and in case any pilot, either by himself or by his apprentice, shall be guilty of any act whereby the conditions of his bond shall be broken, it shall be the duty of the said commissioners to make immediate complaint thereof to the treasurer of the Commonwealth, who shall cause a

To keep an office and give attendance, &c.

suit to be forthwith commenced by the attorney general, or by the attorney of the Commonwealth for the county of Suffolk, and security to be taken for the benefit of all persons who may have suffered by the misconduct or negligence of such pilot or apprentice, and the like proceedings and judgment shall be had and rendered in such suits as in the case of probate and sheriff's bonds.

Commissioners
may alter or
amend regula-
tions for pilots,
&c.

SEC. 4. *Be it further enacted,* That the said commissioners may, from time to time, alter or amend any of the existing regulations for pilots in and for the harbour of Boston, and may make any new regulations, and the same shall have all the authority of law, after being approved by the trustees of the Boston marine society, and being published one week in two newspapers printed in Boston. The said commissioners shall keep fair records of all their doings under this act, and shall present the same to the said trustees as often as once in every six months, and whenever the said trustees shall require the same, and the said commissioners shall, at least twice in each year, publish in two newspapers all the regulations for pilotage in said harbour then existing.

Pilot to give
bonds &c.

SEC. 5. *Be it further enacted,* That no person shall in future receive a commission or exercise the office of a pilot into or out of the harbour of Boston, until he shall have deposited with the treasurer of this Commonwealth a bond in the penal sum of two thousand dollars, payable to the said treasurer, with sureties satisfactory to the said commissioners, for the performance by himself and his apprentices of all the duties required by law of any pilot or apprentice; and any surety on a bond given as aforesaid by a pilot, shall have a right at the end of any year

after signing the same to terminate his liability as a surety for the future acts of the said pilot, by giving notice thereof in writing at least thirty days before the expiration of any year, to the treasurer of the Commonwealth, and also to the commissioners of pilots, in which case the said commissioners shall notify the said pilot, that unless he shall procure other surety sufficient in the opinion of the said commissioners, his commission will be annulled at the end of the current year, and it shall be their duty to annul the same accordingly, and the commission shall be delivered up to the said commissioners by the said pilot, on penalty for refusing so to do, after demand made on him, of forfeiting the sum of fifty dollars for each month during which the same is detained by him, to be recovered in any court competent to try the same, one moiety to the use of any person or persons who shall sue therefor, and the other moiety to the use of the Commonwealth.

Pilot to procure other security when required.

Commission to be delivered up, when refusing to give security.

SEC. 6. *Be it further enacted,* That once in every three months, each branch pilot in and for the harbor of Boston shall render unto the said commissioners of pilots, an account of all vessels piloted and of all monies received by him or by any person for him for pilotage, and shall pay to the said commissioners five per centum on the amount thereof, which shall be taken in full for their services as commissioners, and for the expenses of the office. And the said pilots shall be at liberty to add five per centum to the rates existing by law, at the time they shall perform the service of piloting any vessel, and shall be authorized to collect the same, as they are now authorized to collect the fees for pilotage of vessels, and if any pilot shall make a false return of

Pilots to render an account to commissioners, &c.

Fees for pilotage.

monies so received, he shall on conviction thereof, forfeit and pay the sum of fifty dollars, to be recovered and appropriated as is provided in the next preceding section of this act.

Commissioners. SEC. 7. *Be it further enacted,* That no person shall be a commissioner of pilots, being at the same time a trustee of the Boston Marine Society, and that this act shall go into operation on and after the first of May next: *provided, however,* that nothing in this act shall be so construed as to prevent the governor, with the advice and consent of the council, from appointing and commissioning the commissioners of pilots aforesaid, at any time before the said first day of May.

Acts repealed. SEC. 8. *Be it further enacted,* That all acts and parts of acts which are repugnant to the provisions of this act, be and the same are hereby repealed; saving, however, that all acts and parts of acts thus repealed shall continue in force as to all rights acquired, securities taken, offences committed, and processes pending, under and by virtue of the same, prior to the time when this act goes into operation.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CL.

An Act in addition to "An Act to provide for the safe keeping all Prisoners committed under the Authority of the United States in the several Gaols in this Commonwealth."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the provisions of the act, to which this [is] in addition, be, and the same hereby are, extended to the masters of the several houses of correction in this Commonwealth, under the restrictions of the first section of the statutes of eighteen hundred and thirteen, chapter ninety-seven.

Provisions of act extended, &c.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CLI.

An Act to cede to the United States the jurisdiction over Straitsmouth Island.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the jurisdiction over Straitsmouth Island, near the eastern point of Cape Ann, in this Commonwealth, be, and hereby

Jurisdiction of Straitsmouth Island granted to United States, &c.

Persons dwelling
upon said land
to be deemed in-
habitants of, &c.

is granted to the United States of America, for the sole purpose of erecting and maintaining a light-house on the same: *provided*, that this Commonwealth shall retain, and hereby does retain, concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said island, or in any building which may be erected thereon, in the same way and manner, as if jurisdiction had not been granted as aforesaid; and, *provided, also*, that all persons who shall dwell upon said tract of land, shall be deemed and taken to be inhabitants of the town of Gloucester in this Commonwealth, and shall there do the same duties, and have and enjoy the same privileges as other inhabitants of said town, saving that the keeper of said light-house shall not be liable to serve as a juror, or to perform military duty.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CLII.

An Act to provide for the Election of County Commissioners, and for other purposes.

Judge of probate, &c. appointed a board of examiners.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, with the exception of the counties of Suffolk and Nantucket, to which no part of this act shall be held to extend or apply, the Judge of Probate, the Register of Pro-*

bate, and the Clerk of the Court of Common Pleas, within and for the several counties in this Commonwealth, be, and they hereby are constituted a Board of Examiners for their respective counties, and they are hereby required to perform, not only the duties enjoined on them by this act in relation to the election of county commissioners, but, from time to time, to examine the accounts of the said commissioners for their services in the discharge of the duties of their office, and if satisfied that the same are true, and ought to be allowed, they shall so certify thereon; and no account exhibited by the said commissioners for their services as aforesaid shall be paid by the county treasurer, unless examined and certified as above. And the board of examiners shall be paid out of the county treasury, at the rate of three dollars per day each, for every day employed in discharging the duties required of them by this act; and the county treasurer is hereby authorized to audit and settle their accounts: *provided*, that if any two of the above offices be held by the same person in any county, then the sheriff of such county shall be a member of the board of examiners.

Required to examine the accounts of commissioners.

Board of examiners, how paid.

Proviso.

SEC. 2. *Be it further enacted*, That, on the first Monday of May, in the year of our Lord one thousand eight hundred and thirty-five, and on the first Monday of April in every third year thereafter, the selectmen of the several towns and districts in this Commonwealth shall call a legal meeting of the inhabitants thereof, (except in the county of Barnstable, in which said selectmen shall call such meetings on the first Monday of March in the years aforesaid,) qualified to vote for representatives to the General Court, to bring in their written votes on one ticket, for three county commissioners, being inhabitants of

Shall call a legal meeting in the months of May, &c.

different towns in their respective counties ; and the selectmen, in open town meeting, shall sort and count the votes, and make public declaration thereof, and the town clerk shall enter the names of all persons voted for, and the number of votes for each person, on the town record, and transmit a copy of such record, signed by the selectmen, and attested by himself, and sealed up in open town meeting, to the clerk of the court of common pleas, before named, within seven days after said meeting, and said clerk shall transmit the same to the examiners.

Board of examiners, when to meet.

And the board of examiners shall meet on the Tuesday succeeding the second Monday in May, in the year of our Lord one thousand eight hundred and thirty-five, and ever after, on the first Tuesday succeeding the second Monday of April, in each year, (except in the county of Barnstable, in which county said board of examiners shall meet on the Tuesday succeeding the second Monday in March,) when there shall be an election of county commissioners, and examine the returns of votes from the several towns and districts in their respective counties ; and if any persons have a majority of all the votes, said examiners shall forthwith give such persons written notice of their election.

If no three persons have a majority, then said examiners shall, &c.

SEC. 3. *Be it further enacted,* That if, upon examining the returns of votes from the several towns and districts as aforesaid, the examiners find that no three persons in the county for which they act, have a majority of all the votes legally returned, then the said examiners shall forthwith issue their warrant to the selectmen of the several towns and districts in the said county, requiring them on a day therein named, and within twenty days after the issuing of the said warrant, to call a meeting of the

inhabitants of their respective towns and districts, to give in their votes for so many commissioners as shall not have been elected at the first trial. And the examiners shall furnish the selectmen to whom they direct their warrant, with a complete list of the names of all persons voted for, who shall have received at least twenty-five votes each, exclusive of such as were elected, and the number of votes given for each on the first trial. And the selectmen, in obedience to said warrant, shall call a meeting of the inhabitants of their respective towns and districts, and shall lay before them the result of the first trial, as reported by said examiners; whereupon the qualified voters of the several towns and districts, having ascertained the number of vacancies to be filled, shall vote for, on one ballot, so many names as there are commissioners to be chosen, and the same proceedings shall be had on the votes thus given, as are required by the preceding section to be had on votes given at the first trial; and the selectmen and town clerk shall in like manner return said votes to the clerk of the court of common pleas, within seven days from the time of said meeting, and the said examiners on the eighth day after said meeting shall examine the returns, and forthwith give written notice of their election to the persons having a majority of the votes given and returned as aforesaid. If, after the second trial, the vacancies in the board of commissioners should not be filled, then the examiners, selectmen, and town clerk, shall cause the trial to be repeated, in the manner prescribed in this section, until the whole number of commissioners shall be chosen, when the examiners shall notify them of their election in manner as aforesaid.

Examiners to furnish to selectmen a list of, &c.

Selectmen to call a meeting, &c.

Selectmen to return said votes to the clerk of the court, &c.

Two special commissioners to be chosen, &c.

SEC. 4. *Be it further enacted,* That, in each of the counties embraced in the provisions of this act, there shall be chosen, at the same times and in the same manner in which county commissioners are chosen, and by voters having like qualifications, two special commissioners; and any vacancy in either of said offices by death, resignation, or other cause, may be filled in the manner before prescribed, at any time when said examiners shall think it expedient, and issue their warrant to the selectmen of the several towns and districts, to call meetings for that

County commissioners and special commissioners to be inhabitants, &c.

purpose. The said county commissioners and special commissioners shall be inhabitants of the different towns in the respective counties for which they may be chosen; and before entering on the duties of their office shall be sworn to the faithful discharge of the same. They shall respectively hold their offices for the term of three years, and until five others are chosen and qualified in their places, and shall be eligible to re-election; and in case more than one county commissioner, or special commissioner, from the same town, shall have a majority, then the person having the largest number of votes, shall be declared to be elected. They shall have all the powers, and perform all the duties now pertaining to standing and special commissioners, except so far as the same are modified by this act. The county commissioners in each county, shall, at their first meeting after an election, under the provisions of this act, elect by ballot a chairman of their board.

Shall hold their offices for three years.

Power, &c.

Commissioners interested, how to act.

SEC. 5. *Be it further enacted,* That whenever any of the standing commissioners shall be interested in any questions, which may come before the board for decision, or whenever a road, or any part thereof, respecting which they are called upon to act, is in

the town in which any one of the commissioners resides, or where one or more of the board is unable to attend, the other member or members of the board shall give notice to one or both of the special commissioners, as the case may require, who shall forthwith fill the vacancy or vacancies in the board, and have the same authority in the premises as standing commissioners. And no business in which opposing parties appear shall be finally determined, except by consent of the parties, unless there shall be present and acting thereon three disinterested commissioners : *provided*, that this section shall not extend to the county of Dukes County.

SEC. 6. *Be it further enacted*, That whenever a petition shall be presented to the county commissioners to lay out, alter or discontinue a highway, after giving such notice as is required in like cases by the existing provisions of law, they shall proceed to view the route of said highway, and if, after viewing the same, and hearing all persons and corporations interested, they shall adjudge that the petition ought to be granted, they may proceed immediately to lay out, alter or discontinue said highway, as the case may be, unless some person or corporation interested, for good reasons, shall move for a delay, in which case the said commissioners shall adjourn to some future day.

Commissioners
to view new
route, &c.

SEC. 7. *Be it further enacted*, That whenever a petition shall be presented to the county commissioners to lay out or alter a highway, and they, after having viewed the same, and heard all persons and corporations interested therein, shall be of opinion that the existing highway between the termini named in the petition, can be so far amended as to supersede the necessity of laying out a new highway, or altering the location of existing ways, they shall, after

After viewing
route, &c. em-
powered to di-
rect repairs, &c.

Expense to be assessed on the county and towns respectively.

due notice to the towns interested, be empowered and required to direct specific repairs to be made in the existing ways, so as to promote the public convenience, and apportion the expense thereof upon the county and towns respectively, as by law they are now authorized to do; and the towns in which said repairs are so ordered shall be under the same obligations to make the same, as they are now under to make highways laid out by said commissioners; and the said towns shall have the same right to a jury, and the same proceedings shall be had therefor, as in case of highways so laid out.

Commissioners empowered to locate a new road, &c.

SEC. 8. *Be it further enacted,* That the said county commissioners shall have authority, upon application by any town within their respective counties, to locate anew any road or roads in said town, whether the same were laid out by the authority of said town, or of the county, either for the purpose of establishing the bounds thereof, or of making any alterations either in the route or width of such roads, and in such case, the same notice shall be given, and the same proceedings shall be had as are required in case of the laying out of roads: *provided*, that all expenses which may arise under the provisions contained in this section shall be paid by the town making the application.

Proviso.

Commissioners authorized, &c.

SEC. 9. *Be it further enacted,* That whenever the whole number of commissioners for any county are elected and qualified, according to the provisions of this act, the county commissioners shall be authorized to take possession of all records and papers then in the hands of the commissioners appointed by the governor and council, and shall have power to adjudicate upon all matters and things which shall be pending before the commissioners now in office, and which shall not then have been adjudicated upon by them; and all

roads laid out, but not worked, shall be completed under the supervision of the commissioners elected in pursuance of this act.

SEC. 10. *Be it further enacted,* That if the said examiners, selectmen or town clerk, shall neglect to perform any of the duties required of them by this act, each officer so neglecting, shall, on conviction thereof, forfeit and pay a sum not less than twenty dollars nor more than two hundred dollars, to be recovered by action of debt before any court competent to try the same, one half to the use of him who shall first sue therefor, and the other half to the use of the county in which the offence was committed; or said forfeiture may be recovered by indictment in any court of competent jurisdiction, in which case the whole sum shall be to the use of the county: *provided, however,* that no action or prosecution shall be sustained against any of the above named officers for negligence in transmitting votes, lists of persons voted for, warrants, or other papers and documents: *provided,* the same were made out, properly directed, and mailed sufficiently early to reach their destination at the time required by due course of mail.

Penalty for neglecting duties, &c.

Proviso.

SEC. 11. *Be it further enacted,* That the county commissioners and special commissioners that have been or shall be appointed by the governor and council, shall remain in office, and discharge the duties thereof, until others shall be chosen and qualified in their stead, agreeably to the provisions of this act, when the office of said commissioners shall cease and be determined.

Commissioners to remain in office until others, &c.

SEC. 12. *Be it further enacted,* That all acts and parts of acts, heretofore passed, inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Lieut. Governor, April 8, 1835.]

CHAP. CLIII.

An Act in addition to an Act to provide for the Election of County Commissioners, and for other purposes.

Former acts re-
pealed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the second section of the act "to provide for the election of County Commissioners and for other purposes," passed at the present session, as is contained in the following words, to wit: "except in the county of Barnstable, in which said selectmen shall call such meeting, on the first Monday of March, in the years aforesaid," also the words, "except in the county of Barnstable, in which county said Board of Examiners, shall meet on the Tuesday succeeding the second Monday in March," be, and the same is hereby repealed.

[Approved by the Lieut. Governor, April 8, 1835.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, MAY 1, 1835.

I HEREBY CERTIFY, that I have compared the printed copy of Acts contained in this Pamphlet, with the Original Acts passed by the Legislature in January, February, March, and April last, and find the same to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

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L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THE EXTRA SESSION, WHICH COMMENCED ON WEDNESDAY THE SECOND OF SEPTEMBER, AND ENDED ON WEDNESDAY THE FOURTH OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE, (*not* INCLUDING THE REVISED STATUTES,) AND AT THE SESSION WHICH COMMENCED ON WEDNESDAY THE SIXTH OF JANUARY, AND ENDED ON SATURDAY THE SIXTEENTH OF APRIL, ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX.

Published agreeably to a Resolve of the sixteenth January, 1812.



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1836.

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THE EXTRA SESSION WHICH COMMENCED ON WEDNESDAY, THE SECOND
OF SEPTEMBER, AND ENDED ON WEDNESDAY, THE FOURTH OF
NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND
THIRTY-FIVE, (NOT INCLUDING THE
REVISED STATUTES.)

CHAP. CLIV.

An Act establishing the Office of Sergeant at Arms,
and prescribing the duties thereof.

SEC. 1. **BE** *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same,* That there shall be How chosen.
forthwith chosen by the concurrent vote of the two
branches of the Legislature, and annually thereafter
in the month of January, in the same manner, an
officer who shall be called Sergeant at Arms, who
shall hold his office until another is chosen in his

To give bond,

stead, and who shall give bond to the Treasurer of the Commonwealth in the sum of two thousand dollars for the faithful performance of his duties, and to account for all monies entrusted to him for the use of the Commonwealth.

Preserve order among spectators.

Appoint door-keepers and assistants.

Serve processes and execute orders.

SEC. 2. *Be it further enacted*, That the said Sergeant at Arms shall, during the sessions, see that the respective chambers and lobbies occupied by the Legislature are kept in good order, and that the fires for heating the same are seasonably kindled, diligently tended, and carefully extinguished, and he shall constantly maintain order among the spectators who may be admitted into the rooms in which the respective branches hold their sittings, and take all proper measures to prevent the interruption or disturbance of either branch, or any of the committees thereof; and for these purposes, he shall immediately after his election, appoint, subject to the approval of the presiding officers of the two branches respectively, suitable and proper persons to be Door Keepers to each house, who shall, during the session, render him all necessary assistance, and perform generally all the duties heretofore performed by assistant messengers; and he shall also appoint, subject to the like approval, such assistants to the said Door Keepers as the two houses may respectively direct; and he shall exercise a strict superintendence over all his subordinate officers, giving them all needful directions, and taking care that they promptly perform their several duties.

SEC. 3. *Be it further enacted*, That said Sergeant at Arms shall serve all such processes, and execute all such orders as may be enjoined upon him by the General Court; and he shall attend the members or clerks of either house when they are

charged with messages to the other house, and introduce them in the usual manner. He shall have the general charge and oversight of the State House and its appurtenances, and he shall daily visit and inspect all the apartments therein, (except the Secretary's Office and Council Chamber, and the several apartments therewith connected, which shall continue, as heretofore, under the care of the Messenger of the Governor and Council,) carefully observing their state and condition, and taking proper precaution against damage being done thereto, or to the books, papers and other property therein contained, by the weather or otherwise, and he shall take care that the chambers and lobbies occupied by the Legislature, are kept clean and in good order during the recesses of the General Court.

Daily inspect apartments, &c.

SEC. 4. *Be it further enacted,* That said Sergeant at Arms shall annually appoint, subject to the approval of the Secretary and Treasurer, a Watchman of the State House, whom he may at any time remove, and for whose fidelity and good conduct in said capacity he shall be responsible: and said Watchman shall employ, subject to the approval of the Sergeant at Arms, a suitable person as an Assistant. Said Watchman shall visit at night, all the rooms in the State House in which fires have been kindled during the day, and attend to their safety, and he and his assistant shall both remain in the State House every night, from nine o'clock in the evening until sunrise the next morning, and maintain proper watch and guard for the security thereof; and either he, or his assistant, shall, for the same purpose, remain there during all other hours of the day when the outside doors are open, so that the State House shall at no time, by night or by day,

To appoint watchman.

Watchman's duties.

be left unguarded. Said Watchman shall also open and shut the outer doors of the lower floor of the State House, and the gates, every morning and evening throughout the year, except Sabbath days, public Thanksgivings and Fast days; and the keys of said outer doors and gates, and also of the several apartments, shall be so deposited as that he may have free and ready access to them: And said Watchman shall keep the lower floor and entries of the State House constantly clean and in good order, and shall take care of the outside lamps, and attend to lighting and cleaning the same; and shall kindle and keep up suitable fires in the offices of the Treasurer, Adjutant General, and Land Agent, and see that said offices are kept clean and in order, and shall execute all such other duties with regard to said offices, as have heretofore been performed by the Watchman and Messenger of the General Court, in the offices of which they have had respectively the charge, and in the performance of all the duties of his office, the said Watchman shall be under the control and direction of the Sergeant at Arms.

Trespass on state house and yard to be prevented.

SEC. 5. *Be it further enacted*, That the said Sergeant at Arms and Watchman, and his assistant, shall take all proper care to prevent any trespass or damage being committed on any part of the State House, its yards, fences, and appurtenances of every kind, and especially that the provisions of the one hundred and seventy-eighth chapter of the Statutes of one thousand eight hundred and thirty-three, be not violated, and if any trespass shall occur, and the offender be known, the said Sergeant at Arms, or Watchman, or assistant, shall forthwith give notice thereof to the Attorney General or the Attorney of

the Commonwealth for the County of Suffolk, in order that such offender may be prosecuted therefor.

SEC. 6. *Be it further enacted*, That the said Sergeant at Arms shall be removeable by the General Court for misconduct, or other sufficient cause, and for like cause, during the recess, he may be suspended from office by the Governor and Council: and any vacancy which may occur in said office during a session of the General Court, shall be filled in the manner prescribed in the first section of this Act; and whenever a vacancy shall occur in the recess, or whenever the said officer shall be suspended, the Governor and Council may appoint some suitable person to perform the duties of the office for the time during which such vacancy shall exist.

Sergeant removeable for misconduct.

SEC. 7. *Be it further enacted*, That the said Sergeant at Arms shall have a salary of eight hundred and fifty dollars per year, and the use of the house belonging to the Commonwealth, heretofore occupied by the Messenger of the General Court, and the said Watchman shall have a salary of nine hundred dollars per year, in full compensation for the services of himself and his assistant: and said salaries shall be paid quarterly: and the accounts of the Sergeant at Arms for the services of the several persons employed by him during the sessions of the General Court, shall be laid before the Treasurer of the Commonwealth, to be audited by him and reported to the Legislature; and no fee or reward shall be taken by the Sergeant at Arms, or by any person under him, for opening at any time the public rooms in the State House, for the view and inspection of strangers and others.

Salary, &c.

SEC. 8. *Be it further enacted*, That all provisions heretofore made by resolve, order, or otherwise,

Repealing clause.

touching the duties of the Messenger of the General Court, and providing for keeping watch in the State House, be and the same are hereby annulled.

[Approved by the Lieut. Governor, Oct. 26, 1835.]

CHAP. CLV.

An Act to continue in force "An Act concerning Warren Bridge."

Act of March
1833 continued.

Disposition of
tolls already col-
lected, &c.

Boston and
Charlestown may
take the bridge
and make it free,
on giving certain
bonds.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That "an Act concerning Warren Bridge," passed March twenty-eighth, in the year one thousand eight hundred and thirty-three, be, and the same shall hereby remain in full force and operation, until the first Wednesday of March, in the year of our Lord one thousand eight hundred and thirty-six. *Provided, however,* that the tolls already collected, and such as may be hereafter collected, shall be exclusively appropriated to the repairs and maintenance of said bridge, and other purposes relating thereto, and to the payment of all such sums of money as may be recovered by the proprietors of Charles River Bridge, in any suit in law or equity, now pending or hereafter to be instituted, on account of the building, continuing, or making free of toll the Warren Bridge.

SEC. 2. *Be it further enacted,* That if the city of Boston and the town of Charlestown shall, on or before the expiration of this act, give a bond to the Treasurer of the Commonwealth, to be approved by

the Governor and Council, and with the condition, that the obligors therein shall and will forever perform all the duties imposed upon the Warren Bridge Corporation, by the third section of the act establishing the same, and shall also indemnify and save harmless the Commonwealth and the said Warren Bridge Corporation, from all damages, expenses and costs, already arisen or to arise from the suit now pending in the Supreme Court of the United States, between the proprietors of the Charles River Bridge and John Skinner and others, and the final decree or judgment thereon, and shall also pay the proprietors of Charles River Bridge, such sum in damages as may in any suit be recovered by them, for or on account of the building, using or continuing the said Warren Bridge, or making the same free of toll, then this act shall cease, the said Warren Bridge shall become a public highway, and the money in the treasury, received from the tolls of said bridge, shall be paid to the said obligors: *provided, however,* that if the condition of the bond mentioned in this section, shall be broken, to the injury of any person, the same proceedings shall be had therein, and in the same manner, as are provided by law in the case of the forfeiture of the official bonds of sheriffs: *and provided, further,* that if the present directors of said Warren Bridge shall not, on the day next after the last day of the session of this General Court, give a bond to the Treasurer of this Commonwealth, conditioned to do and perform the same services and duties as are required in and by the proviso in the sixth section of the act to which this is in addition, until the bond provided for in this act shall be given, then the third and fourth sections, and so much of the first

section of the act to which this is in addition, as relates to the collection of toll, shall be in full force.

Boston and
Charlestown may
raise money to
defray expense,
&c.

SEC. 3. *Be it further enacted*, That the city of Boston and the town of Charlestown may give the bond mentioned in the second section, and may by a tax, assessment or otherwise, raise money to defray the expense of performing the condition thereof.

[Approved by the Lieut. Governor, Nov. 4, 1835.]

The Revised Statutes which were passed at the Session ending on the fourth of November, have been published in a separate volume, agreeably to a Resolve of the third of November, 1835.

L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THE SESSION WHICH COMMENCED ON WEDNESDAY, THE SIXTH OF JANU-
ARY, AND ENDED ON SATURDAY, THE SIXTEENTH OF APRIL,
ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX.

CHAP. I.

**An Act to incorporate Mount Holyoke Female
Seminary.**

BE *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same, That William Bowdoin,
John Todd, Joseph D. Condit, David Choate and
Samuel Williston, their associates and successors,
be, and are hereby incorporated, by the name of the
Trustees of Mount Holyoke Female Seminary, to
be established in South Hadley, in the County of
Hampshire, with the powers and privileges, and
subject to the duties and liabilities provided in*

Persons incorpo-
rated.

Estate.

“chapter forty-fourth of the Revised Statutes, passed November fourth, in the year one thousand eight hundred and thirty-five,” and with power to hold real and personal estate not exceeding in value one hundred thousand dollars, to be devoted exclusively to the purposes of education.

[Approved by the Governor, February 11, 1836.]

CHAP. II.

An Act to extend the time for paying in the Capital Stock of the North American Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the time wherein the capital stock of the North American Insurance Company is by law required to be paid in, is hereby extended unto the thirtieth day of January, in the year of our Lord one thousand eight hundred and thirty-seven.

[Approved by the Governor, February 11, 1836.]

CHAP. III.

An Act to incorporate the Essex County Natural History Society.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Andrew Nichols, William Oakes and William Prescott, and their associates, are hereby made a corporation, by the name of the Essex County Natural History Society, for the purpose of promoting the science of Natural History, with all the powers and privileges, and subject to all the liabilities contained in the forty-fourth chapter of the Revised Statutes of this Commonwealth, "passed on the fourth day of November, in the year one thousand eight hundred and thirty-five," and for the purpose aforesaid may hold real estate to the amount of ten thousand dollars, and personal estate, exclusive of the books, papers and articles in the cabinet of said society, to the amount of twenty thousand dollars.

Persons incorporated.

Estate.

[Approved by the Governor, February 12, 1836.]

CHAP. IV.

An Act to amend the Revised Statutes, and supply certain omissions therein.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the Revised Statutes shall be amended as follows :

SEC. 1. The eighth chapter shall be amended, by inserting at the end thereof four new sections, in the words following :

Persons imprisoned for non-payment of taxes, how discharged.

“ § 48. When any person, who is committed to prison for the non-payment of taxes, shall be unable to pay the same with the incidental charges, he shall be entitled to his discharge in like manner as is provided, in the ninety-eighth chapter, for the discharge of prisoners committed on execution for debt.”

Assessors, &c. to be notified.

“ § 49. The notice required in such case to be given to the creditor, shall be given to the assessors of the place where the tax was assessed, and to the collector by whom the party was committed ; and the said assessors and collector, or any of them, may appear as creditors to oppose the discharge of the prisoner, and may do all things, in relation to the proceedings, which a creditor might do by force of the said ninety-eighth chapter.”

Collectors when liable to pay the tax, &c.

“ § 50. When any person committed for the non-payment of taxes shall be so discharged, the collector shall be liable to pay the tax, with the charges of imprisonment, unless he shall have arrested and committed the party within one year after the tax

was committed to him to collect, or unless he shall be exonerated therefrom by the town or parish to which the tax is due."

"§ 51.—When any warrant, issued for the collection of taxes by the assessors of any town or parish, shall be lost or destroyed, the assessors of the same place may issue a new warrant therefor, which shall have the same force and effect as the original warrant."

Loss of warrant,
how remedied.

SEC. 2. The twelfth chapter shall be amended in section eleven, by inserting after the word "states," in the fourth line, the words "to grant petitions for raising companies at large," and by striking out the word "therein," in the same line, so that the said section, as amended, shall read as follows :

"§ 11.—The Commander in Chief, with the advice of the Council, is authorized to arrange the militia into divisions, brigades, regiments, battalions and companies, conformably to the laws of the United States ; to grant petitions for raising companies at large ; and to make such alterations as, from time to time, may be deemed necessary ; and each division, brigade and regiment shall be numbered at the formation thereof, and a record made of such numbers in the Adjutant General's office."

Commander in
chief may ar-
range militia, &c.

The same chapter shall be further amended, by inserting after the word "them," in the third line of the sixteenth section, the words following : "or shall be reduced to a less number than twenty privates, and remain so reduced for three months," so that the said sixteenth section as amended, shall read as follows : "§ 16.—If any company raised at large shall, at any time, be destitute of commissioned officers, and having been twice ordered to fill vacancies, shall neglect or refuse to fill them, or shall be re-

For what cause
volunteer compa-
nies may be dis-
banded.

duced to a less number than twenty privates, and remain so reduced for three months, such company may be disbanded, and the men who belonged to it shall, in such case, be enrolled as is provided in the fifth section."

Proceedings in relation to the election of register of deeds.

SEC. 3. The fourteenth chapter shall be amended, by inserting at the end of section one hundred and one, the words following: "The town clerk of each town shall record the names of the persons voted for, and the number of votes each person had, for Register of Deeds, and shall transmit an attested copy of such record, under seal, to the County Commissioners, in season to be opened on the first day of their next stated meeting. The commissioners shall then count the votes received from the several towns, and give notice to the person having a majority of all the votes, of his election to the office of Register of Deeds." The same chapter shall be amended in section one hundred and seven, by inserting after the word "County," in the third line, the words "and whenever no choice shall be made at the stated time for electing a Register of Deeds," and in the eighth line of said section, after the word "elected," by inserting the words "or for the term of five years from the annual meeting aforesaid," so that the said one hundred and seventh section, as amended, shall read as follows:—

Same subject.

"§ 107.—Whenever such a vacancy shall happen in the office of Register of Deeds in any county, or in any registry district of a county, and wherein no choice shall be made at the stated time for electing a Register of Deeds, the commissioners shall forthwith issue notices to the several towns of such county, or of such registry district, respectively directed to the selectmen of such towns, and requir-

ing them to notify a meeting of the legal voters of their towns respectively, for the purpose of electing a Register of Deeds, for the residue of the term for which the former Register was elected, or for the term of five years from the annual meeting aforesaid, and until another shall be chosen and qualified in his stead, unless he shall, within that time, be removed, as provided in the one hundred and first section of the fourteenth chapter, and such notice to the selectmen shall prescribe the day and hour when such meetings shall be held, and the time and place of making returns to the said commissioners of the number of votes, and the names of the persons voted for: *provided*, that the time of making such returns shall never exceed thirty days from the date of such notices."

SEC. 4. The fifteenth chapter shall be amended, by inserting at the end thereof two new sections, in the words following: "§ 88.—When any city or town shall be required to enter into a recognizance, the mayor and aldermen of the city, or the selectmen of the town, may by an order or vote authorize any person to enter into the recognizance in the name and behalf of the city or town; and such recognizance shall be binding on the city or town, and on the inhabitants thereof, like any other contract lawfully made by such corporation." "§ 89.—No surety shall be required in any recognizance of a city or town."

Who may recognize for city or town.

SEC. 5. The fifty-second chapter shall be amended, by inserting at the end thereof one new section, in the words following: "§ 5.—No person shall cause or permit to be driven or floated down Connecticut river, any masts, spars, logs, or other timber, unless the same shall be formed and bound into

Floating of timber on Connecticut river.

rafts, and placed under the care of a sufficient number of persons to govern and manage the same, so as to prevent damage thereby; and if any damage shall be done to any bridge or dam upon or over the said river, by any timber driven or floated down the same in any manner not herein allowed, the owner of the timber, and every person who shall cause or permit the same to be so driven or floated down said river, shall be jointly and severally liable for all such damage, to be recovered by the party injured in an action on the case."

Hunting of deer. SEC. 6. The fifty-third chapter shall be amended, by inserting at the end thereof one new section, in the words following: "§ 8.—If any person shall, at any time of the year, hunt, chase or kill, with hounds or dogs, any deer within the Counties of Plymouth or Barnstable, he shall, for every such offence, forfeit the sum of twenty dollars, to the use of the town where the offence shall have been committed."

SEC. 7. The sixtieth chapter shall be amended, by inserting at the end thereof five new sections, in the words following:

S. J. C. may allow tenant for life to cut full grown trees, &c.

"§ 33.—When any woodland is held by one person for life, with remainder or reversion to another in fee simple, or fee tail, and the trees thereon have come to an age and growth fit to be felled, and are in such a state that they will probably become of less value by standing, the Supreme Judicial Court may, on the petition of any party interested therein, order the trees or any part thereof to be felled and sold."

Same subject.

"§ 34.—The court, in such case, shall appoint one or more commissioners, to superintend and direct the felling and sale of the trees, and to account to the court for the proceeds thereof."

“§ 35.—The court may cause the proceeds of Same subject. such sale, after deducting therefrom all necessary expenses and charges, to be invested in other real estate, or in any public stocks, or other stocks or funds, as shall appear most for the interest of all concerned therein: and may appoint one or more trustees to take and hold such estate or stocks, and to dispose of the same, and of the interest or income thereof, under the direction of the court, to and for the use of the persons who may be entitled to the land.”

“§ 36.—The interest and income of the said Same subject. proceeds shall be paid to the tenant for life, so long as he is entitled to the profits of the land: and upon the determination of his estate, the principal of the said proceeds shall belong to the person who is entitled to the land in fee simple or fee tail; and the real estate, or stocks, or funds in which the proceeds are invested, shall be conveyed and transferred to such person accordingly.” “§ 37.—The court may, Same subject. from time to time, remove the said trustees, and appoint others in their stead; and every such trustee shall give bond, with sufficient sureties, to the clerk of the court, or to such other person as the court shall designate, for the use and benefit of the persons interested in the said proceeds, with condition for the faithful discharge of the trust.”

SEC. 8. The seventy-seventh chapter shall be amended, by inserting at the end thereof one new section, in the words following: “§ 20.—The wife of any man who is under guardianship, may join with the guardian in making partition of her own real estate held in joint-tenancy or in common; and may jointly, with the guardian, make any release, or other conveyance, necessary or proper for that

Wife of a ward may join guardian in making partition of her real estate.

purpose, in like manner as she might have done with her husband, if he had been under no legal disability."

Writs from
C. C. P. how
signed, &c.

SEC. 9. The eighty-second chapter shall be amended by striking out from the thirty-fifth section thereof the words "for the county where the suit or matter is pending, or to which the writ or process is returnable," and inserting instead thereof the words "of the same court for any county;" so that the said section, as amended, shall read as follows: "§ 35.—All writs and processes issuing from the Court of Common Pleas, shall be signed by the clerk of the same court for any county; and may run into any county, and shall be obeyed and executed throughout the state."

C. C. P. to audit
certain accounts.

SEC. 10. The said eighty-second chapter shall be further amended by inserting at the end thereof a new section, in the words following: "§ 46.—The Court of Common Pleas shall receive, examine and allow the accounts for services and expenses incident to the said court in the several counties; and shall order payment thereof out of the respective county treasuries."

SEC. 11. The eighty-third chapter shall be amended by striking out the word "also" from the twenty-second section thereof.

SEC. 12. The ninetieth chapter shall be amended by inserting in the first clause of the seventeenth section thereof, after the words "inhabitants of a county," the words "or of the city of Boston," so that the said first clause, as amended, shall read as follows: "§ 16.—When any corporation, other than the inhabitants of a county, or of the City of Boston, is a party to any action, the county in which such action may be brought, shall be determined by the following rules, to wit."

SEC. 13. The said ninetieth chapter shall be further amended by inserting at the end thereof five new sections, in the words following : “ § 120.—All actions, suits and prosecutions against the city of Boston, may be brought in the county where the plaintiff lives, or in either of the counties of Suffolk, Essex, Middlesex or Norfolk. Actions against the city of Boston. “ § 121.—All actions, suits and prosecutions by the city of Boston, or by any officer for the use of the said city, may be brought in either of the four counties mentioned in the preceding section ; but any such action, suit or prosecution, if brought in the county of Suffolk, may be removed to one of the said other counties in the manner provided in the following section. Actions in favor of said city, how brought. “ § 122.—The defendant or tenant, at the term at which his appearance is entered, may file a motion in writing for the removal of the suit to some other county, and the court shall thereupon order it to be removed to such one of the said other three counties as the attorney of the city of Boston shall elect, to be there heard and determined in any court proper to try the same ; and the attorney of the said city shall enter the same accordingly in the court so designated, at the then next term thereof, and shall file therein certified copies of the writ or other process, and of the order of removal. Same subject. “ § 123.—The court to which the suit is so removed, shall have jurisdiction thereof, and all the proceedings therein shall be conducted in like manner as if the suit had been originally commenced in that county. Same subject. “ § 124.—No person shall be disqualified from acting as a magistrate, juror, appraiser, or officer of any kind, in any suit or process in which the city of Boston is interested, by reason of any interest that he may have as an inhabitant of the said city.

No restitution
after three years
possession, &c.

SEC. 14. The one hundred and fourth chapter shall be amended by striking out from the third section thereof the words "party complained of," and inserting instead thereof the word "defendant," and by striking out from the same section the words "filing of the complaint," and inserting instead thereof the words "commencement of the suit;" so that the said section, as amended, shall read as follows: "§ 3.—No restitution shall be made under the provisions of this chapter of any lands or tenements of which the defendant or his ancestors, or those under whom he holds the premises, have been in the quiet possession for three years next before the commencement of the suit; unless his estate therein is ended."

Bringing into this
state forged bank
notes, &c.

SEC. 15. The one hundred and twenty-seventh chapter shall be amended by inserting in the eighth section thereof, after the words "established in the state," the words "or in any other of the United States, or in any of the British Provinces in North America, or in any other foreign state or government;" so that the said section, as amended, shall read as follows: "§ 8.—Every person who shall bring into this state, or shall have in his possession, any false, forged or counterfeit bill or note, in the similitude of the bills or notes payable to the bearer thereof; or to the order of any person issued by or for any bank or banking company established in this state, or in any other of the United States, or in any of the British Provinces in North America, or in any other foreign state or government, with intent to utter or pass the same, or to render the same current as true, knowing the same to be false, forged or counterfeit, shall be punished by imprisonment in the State Prison not more than five years, or by fine not exceed-

ing one thousand dollars, and imprisonment in the county jail not more than one year."

SEC. 16. The said one hundred and twenty-seventh chapter shall be further amended by inserting in the ninth section thereof, after the words "United States," the words "or in any of the British Provinces in North America, or in any other foreign state or government;" so that the said section, as amended, shall read as follows; " § 9.—Every person who shall engrave, make, or mend, or begin to engrave, make, or mend any plate, block, press or other tool, instrument, or implement, or shall make or provide any paper or other material, adapted and designed for the forging or making any false and counterfeit note, certificate, or other bill of credit, issued by lawful authority for any debt of this Commonwealth; or any false and counterfeit note or bill in the similitude of the notes or bills issued by any bank or banking company established in this state, or within the United States, or in any of the British Provinces in North America, or in any other foreign state or government; and every person who shall have in his possession any such plate or block engraved in any part, or any press, or other tool, instrument, or implement, or any paper or other material adapted and designed as aforesaid, with intent to use the same, or to cause or permit the same to be used, in forging or making any such false and counterfeit certificates, bills or notes, shall be punished by imprisonment in the State Prison not more than ten years, or by fine not exceeding one thousand dollars, and imprisonment in the county jail not more than two years."

Preparing tools
for forging notes,
&c.

SEC. 17. The one hundred and thirty-third chapter shall be amended by striking out the thirteenth

Additional punishment of a convict in State's Prison, in certain cases.

section, and by inserting at the end of the chapter three new sections, in the words following: " § 16.—

When any person shall be convicted of any offence, and shall be duly sentenced therefor to confinement in the State Prison of this state, for one year or more, and it shall be alleged in the indictment upon which such conviction is had and admitted or proved on the trial, that the convict has before been sentenced to a like punishment by any court in this state, or in any other of the United States, for a period of not less than one year, he shall be sentenced to confinement to hard labor for a term not exceeding seven years, in addition to the punishment prescribed by law for the offence of which he shall then be convicted. " § 17.—When any such convict

Same subject.

shall have twice before been sentenced to confinement to hard labor for a period of not less than one year at each time, by any court in this state, or in any other of the United States, he shall be sentenced to confinement to hard labor for his life, or for a term of not less than seven years, in addition to the punishment prescribed by law for the offence of which he shall then be convicted." " § 18.—When the last conviction in any case mentioned in the two preceding sections, shall be had for any offence committed before this statute shall take effect, the additional punishment shall be regulated according to the statutes which were in force in this state at the time when such last offence was committed, and the sentence shall be awarded accordingly, notwithstanding the repeal of those former statutes."

Same subject.

SEC. 18. The one hundred and forty-second chapter shall be amended, by inserting at the end thereof a new section, in the words following: " § 14.—The Governor shall be authorized, when-

ever in his opinion the public good may require it, to offer and pay a suitable reward, not exceeding one thousand dollars in any one case, to any person who shall, in consequence of such offer, apprehend, bring back, and secure any person who shall be convicted of any capital crime, or other high crime or misdemeanor, or shall be charged therewith, and shall have escaped from any prison in this state; and he may offer and pay a like reward to any person who shall, in consequence of such offer, apprehend and secure any person charged with any such offence, when the person charged cannot be arrested and secured in the common course of proceeding; and the Governor may, with the advice of the Council, issue his warrant on the treasury for the payment of every such reward.”

Governor may offer rewards in certain cases.

SEC. 19. The one hundred and forty-third chapter shall amended, by inserting at the end thereof three new sections, in the words following :

“§ 52.—At the opening of the Supreme Judicial Court, and of the Court of Common Pleas, in the several counties, the jailers of the respective counties shall return to the court a list of the prisoners in their custody, therein specifying the cause for which, and the person by whom, they were committed; and they shall return a like list of all persons committed during the session of the court, in order that the several courts may take cognizance thereof, and, as well for the Commonwealth as the parties, may proceed to make deliverance of such prisoners according to law, for the crimes proper to their jurisdiction respectively.”

Jailers to make return of prisoners to courts.

“§ 53.—The return required by the preceding section to be made to the Court of Common Pleas, shall be omitted in the County of Suffolk, and, in-

Same subject.

stead thereof, a like return shall be made to the Municipal Court of the City of Boston."

Same subject.

"§ 54.—Every jailer shall, together with the said list of prisoners, produce and exhibit, for the inspection of the said courts, his calendar or register of prisoners; and if any jailer shall neglect to return such list of prisoners, or to exhibit his said calendar or register, as before required, he shall be fined at the discretion of the court."

Proceedings,
when a convict is
found to have
been sentenced
to any state prison,
&c.

SEC. 20. The one hundred and forty-fourth chapter shall be amended, by striking out from the thirty-fourth section thereof, the words "at two several times," and also the words "and at each time for more," and inserting instead of the latter words, the following, to wit: "for not less;" so that the said thirty-fourth section, as amended, shall read as follows: "§ 34.—Whenever the warden shall be satisfied that any convict in the state prison has before been sentenced to imprisonment in the same prison, or in some other state prison within the United States, for not less than one year, it shall be the duty of the warden to give notice thereof to the County Attorney for the County of Suffolk, who shall, by an information filed in the Municipal Court of the city of Boston, or otherwise, make the same known to the judge of the said court. And, thereupon, such convict shall be brought before the court, by such process or order as the judge shall direct, to hear and answer to the said charge. If the convict, by his plea or answer, shall deny the truth of the charge, the same shall be tried by a jury, in due course of law, who shall be instructed to inquire, and by their verdict to find, whether the charge in such information is or is not true.

SEC. 21. The thirty-fifth section of the same

chapter shall be amended, by striking out the words "for life or," and also the words "less than," and insert instead of the latter words, the word "exceeding;" so that the said thirty-fifth section, as amended, shall read as follows: "§ 35.—If it shall Same subject. appear, by confession of the convict, verdict of a jury, or otherwise according to law, that the charge is true, such convict shall be sentenced to imprisonment in the said prison for a term not exceeding seven years, in addition to the sentence on which he stood committed."

SEC. 22. The said one hundred and forty-fourth chapter shall be further amended, by inserting at the end thereof a new section, in the words following: "§ 54.—Whenever it shall appear to the warden, Same subject. that any convict in the state prison has been twice before sentenced to imprisonment in the same prison, or in any other state prison in the United States, for a period of not less than one year at each time, the convict shall be brought before the Municipal Court of the city of Boston, in the manner before provided in this chapter in the case of a convict who has been once before sentenced as aforesaid; and the like proceedings as are provided in that case, shall be had for ascertaining the truth of the charge; and if it shall thereupon appear to the court that the charge is true, the convict shall be sentenced to confinement to hard labor for his life, or for a term of not less than seven years, in addition to the sentence on which he stood committed; and he shall have the same right to appeal from the judgment rendered in pursuance of this section, as in other cases tried before the said Municipal Court.

[Approved by the Governor, February 15, 1836.]

CHAP. V.

An Act relating to the Court of Probate for the
County of Worcester.

Petitions, &c.
which were re-
turnable at Wor-
cester in Februa-
ry, and at Barre,
in January, shall
be returnable at
Worcester on the
first Tuesday in
March

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all petitions, complaints, motions, notices and other matters and things which were to have been heard and determined, or were made returnable to the Court of Probate, which by law, was to have been holden at Worcester within and for the County of Worcester on the first Tuesday in February in the present year; and also all such petitions, complaints, motions, notices, and other matters and things which were to have been heard and determined, or were made returnable to the Court of Probate, which by law was to have been holden at Barre in said county on the third Tuesday in January in the present year, shall be deemed to revive, continue, and be in full force, and shall be returnable to and have day in, and be acted upon by the said Court of Probate at the regular term of said Court which is to be holden at said Worcester on the first Tuesday in March next in the same manner, and to the same effect as if said Courts had been regularly held, and the said petitions, complaints, motions, notices, and other matters and things had been continued to that day; and all parties, witnesses and others who would have been held to appear and attend at either of the said terms of said Court, had the same*

been regularly held as aforesaid, shall be holden to appear on said first Tuesday in March next, in the same manner, and to the same effect as if the said courts had been regularly held, and the matters returnable to and pending before the same had been continued to said day.

SEC. 2. *Be it further enacted*, That this act shall be published in the "Massachusetts Spy," "Worcester Palladium," and "Worcester Republican," three newspapers printed in said Worcester, one or more times before the said first Tuesday in March next

[Approved by the Governor, February 15th, 1836.]

CHAP. VI.

An Act authorizing the Warren Insurance Company to increase its capital stock.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Warren Insurance Company is hereby authorized to increase its capital stock by an addition thereto of an amount not exceeding one hundred thousand dollars to be divided into shares of one hundred dollars each, and to be collected and paid in such instalments, and under such provisions and penalties, as the president and directors of the said company may appoint.

SEC. 2. When the capital stock of said compa- May insure to an amount of ten

per cent. on capital paid in.

ny paid in, shall amount to one hundred and fifty thousand dollars, the said company may insure on any one risk an amount not exceeding ten per cent. of the capital so paid in.

SEC. 3. The said company may insure against losses by fire in the customary manner.

Real estate not to exceed one fourth of capital stock.

SEC. 4. The said company may purchase, hold and convey any real estate, for the use of the said company, not exceeding in value one fourth part of its capital stock.

[Approved by the Governor, 17th February, 1836.]

CHAP. VII.

An Act to repeal expressly all the Acts which are consolidated in the Revised Statutes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The acts repealed and intended to be repealed by the one hundred and forty-sixth chapter of the Revised Statutes, are, and shall be considered, those which are hereinafter mentioned and described, that is to say :

1790.

The following acts passed in the political year one thousand seven hundred and eighty, to wit :

An act for establishing a salary of a fixed and permanent value for His Excellency the Governor.

An act empowering the supreme judicial court to

take cognizance of matters heretofore cognizable by the late superior court.

An act to prevent damages being done upon the improved lands adjoining to Connecticut river, by reason of timber being left thereon, by the spring floods; and for fixing a time for the owners to remove it.

An act prescribing the form of the writ of *Audita Querela*, and of the proceedings thereupon.

The following act passed in the political year one thousand seven hundred and eighty-one, to wit :

1781

An act directing the manner in which money shall be raised and levied to defray the charges which may arise within the several counties in this Commonwealth.

The following acts passed in the political year one thousand seven hundred and eighty-two, to wit :

1782

An act against Blasphemy.

An act establishing a supreme judicial court within the Commonwealth.

An act for the repealing of one act of this Commonwealth, made and passed on the third day of May last, entitled "An act providing a speedy method of recovering debts, and for preventing unnecessary costs attending the same;" and for making other provision which may better answer the ends designed by the said act.

An act to compel executors living without the Commonwealth to settle their accounts; and to oblige administrators and guardians, not being inhabitants of this Commonwealth, to give bonds with proper sureties for the performance of the duties of their trust.

An act for encouraging the killing of wolves.

An act more effectually to enable constables and collectors of taxes to collect assessments in certain cases.

1783.

The following acts passed in the political year one thousand seven hundred and eighty-three, to wit :

An act to provide for the collection of taxes in cases where the constables or collectors appointed for that purpose have removed or may remove themselves out of this Commonwealth.

An act for regulating pilotage in several ports in this Commonwealth.

An act for the admeasurement of boards, and regulating the tale of shingles, clapboards, hoops, and staves, and for other purposes therein mentioned.

An act to prevent the destruction of white pine trees in this Commonwealth.

An act prescribing the manner of devising lands, tenements, and hereditaments.

An act directing the settlement of the estates of persons deceased, and for the conveyance of real estates in certain cases.

An act directing the descent of intestate estates, and for empowering the judge of probate to make partition in certain cases.

An act directing the mode of transferring real estates by deed, and for preventing fraud therein.

An act empowering the judges of probate to appoint guardians to minors and others.

An act for the better managing lands, wharves, and other real estate lying in common.

An act for the speedy assignment of dower, and for the preventing of strip and waste by tenants therein.

An act for the more easy partition of lands, or other real estate.

An act describing the power of justices of the peace in civil actions.

An act describing the duty and power of coroners.

An act defining the general powers and duties, and regulating the office of sheriffs.

An act vesting certain powers in justices of the peace in criminal cases.

An act to prevent frauds on the Massachusetts Bank.

An act in addition to an act, entitled "an act for the admeasurement of boards, and regulating the tale of shingles, clapboards, hoops and staves, and for other purposes therein mentioned."

An act directing the issuing, extending and serving of executions.

An act prescribing the method of satisfying judgments in favor of this Commonwealth.

An act to authorize the courts of law to enter up judgment against the goods and estate of deceased persons, when the executor or administrator neglects or refuses to prosecute or defend.

An act for the more safe keeping the registry of deeds and conveyances of lands, and for appointing the time and manner of choosing registers.

An act to enable the inhabitants of the several towns and plantations within this Commonwealth, to ascertain from time to time the amount of monies received by their respective collectors of public taxes, and what payments they have made to the treasurer of the Commonwealth.

1784.

The following acts passed in the political year one thousand seven hundred and eighty-four, to wit :

An act for the distribution of insolvent estates.

An act directing the proceedings against forcible entry and detainer.

An act regulating bail in civil actions.

An act prescribing forms of writs in civil causes, and directing the mode of proceeding therein.

An act regulating the exportation of flax-seed, pot-ash, pearl-ash, beef, pork, barrelled fish, and dried fish.

An act against adultery, polygamy, and lewdness.

An act for providing and regulating of prisons.

An act to prevent the destroying and murdering of bastard children.

An act against selling unwholesome provisions.

An act for taking away the benefit of clergy in all cases whatsoever, and directing adequate punishment for the crimes where the same used to be allowed.

An act in addition to an act prescribing forms of writs in civil causes, and directing the mode of proceeding therein.

An act against accessaries to crimes and felonious assaulters.

An act for annulling the distinction between the crimes of murder and petit-treason.

An act directing the process in *Habeus Corpus*.

1785.

The following acts passed in the political year one thousand seven hundred and eighty-five, to wit :

An act for preventing common nuisances.

An act providing a speedy method for doing justice, when, through mistake, executions are levied on real estate not belonging to the debtors.

An act for the filing and recording of wills proved without this government, and for taking affidavits in writing for the probate of wills in certain cases.

An act making additional provision for the punishment of frauds and misdemeanors.

An act regulating the admission of attornies.

An act for regulating the exportation of tobacco and butter, and the weight of onions in bunches, and the size of lime casks.

An act for the more effectually preventing of trespasses in divers cases.

An act for repealing certain parts of an act entitled "an act for regulating pilotage in several ports in this Commonwealth," and for otherwise regulating the pilotage of the port of Newburyport.

An act empowering the selectmen of such towns where there may be fire engines, to appoint engine men; and repealing the laws made for that purpose.

An act for enforcing the speedy payment of rates and taxes, and directing the process against deficient constables and collectors.

An act for regulating the proceedings in actions of account.

An act for the choice and appointment of assessors, and for assigning their powers and authority.

An act for the better securing and rendering more effectual grants and donations to pious and charitable uses.

An act for regulating fences.

An act concerning general and common fields.

An act to prevent gaming for money or other property.

An act to prevent tenants in common, joint-tenants, and coparceners, from committing waste, and for making partition of their interests, and also directing how joint tenancies shall be created.

An act for the punishment of fornication, and for the maintenance of bastard children.

An act for regulating marriage and divorce.

An act for the choice and appointment of collectors of rates and taxes, and for ascertaining their power and duty.

An act for regulating towns, setting forth their power, and for the choice of town officers, and for repealing all laws heretofore made for that purpose.

An act directing the time and manner of appointing county treasurers.

1786.

The following acts passed in the political year one thousand seven hundred and eighty-six, to wit :

An act regulating parishes and precincts, and the officers thereof.

An act for the limitation of real actions.

An act for rendering the decision of civil causes as speedy and as little expensive as possible.

An act in addition to an act entitled "an act to prevent damages being done upon the improved lands adjoining to Connecticut river, by reason of timber being left thereon by the spring floods ; and for fixing a time for the owners to remove it;" made in the year one thousand seven hundred and eighty-one.

An act for establishing rules and articles for governing the troops stationed in forts and garrisons, within this Commonwealth ; and also the militia, or any part thereof, when called into actual service.

An act to prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof.

An act for the limitation of personal actions, and for avoiding suits at law.

An act in addition to the act for the more easy

partition of real estate, passed March the 11th, one thousand seven hundred and eighty-four.

An act for regulating the proceedings on probate bonds in the courts of common law ; and directing their form in the supreme court of probate.

An act for the more safe keeping the records of the several courts of justice and the records of deeds within this government.

An act establishing the right to, and the form of the writ *de homine replegiando*, or writ for replevying a man.

An act for the more speedy and effectual suppression of tumults and insurrections in the Commonwealth.

An act directing the method for laying out highways.

An act making provision for the repair and amendment of highways.

The following acts passed in the political year one thousand seven hundred and eighty-seven, to wit :

1787.

An act in addition to an act made in the year of our Lord one thousand seven hundred and eighty-four, entitled "an act directing the mode of transferring real estates by deed ; and for preventing fraud therein."

An act for enabling proprietors of private ways and bridges to repair them in equal proportion.

An act for the further regulating the assize of barrel beef and pork.

An act for the relief of poor prisoners who are committed by execution for debt.

An act authorizing the justices of the supreme judicial court to license the sale of real estate by married women, in certain cases, and for other purposes in the act mentioned.

An act to prevent the slave trade, and for granting relief to the families of such unhappy persons as may be kidnapped or decoyed away from this Commonwealth.

An act in addition to an act passed March the sixteenth, in the year of our Lord one thousand seven hundred and eighty-six, entitled "an act for the choice and appointment of collectors of rates and taxes, and for ascertaining their power and duty."

An act to prevent the exportation of green or unmanufactured calf skins, out of this Commonwealth, by land or water.

An act for annexing fees to certain papers in the secretary's office, and for making an appropriation thereof.

1788.

The following acts passed in the political year one thousand seven hundred and eighty-eight, to wit :

An act for dividing the county of Berkshire into three districts, for the purpose of choosing registers of deeds in the said districts.

An act empowering the justices of the supreme judicial court to grant writs of review, in certain cases.

An act for the ease of the citizens concerning actions upon penal statutes.

An act to prevent fraud and perjury.

An act to confirm the doings of justices of the peace, whose commissions have expired, or may hereafter expire, and be again renewed.

An act in addition to the act, "for regulating the proceedings on probate bonds in the courts of common law, and directing their form in the supreme court of probate."

An act for erecting work-houses for the reception and employment of the idle and indigent.

An act directing the mode of prosecuting writs of review, after the death of any or all of the parties in the original suit.

An act in addition to an act passed in the year of our Lord one thousand seven hundred and eighty-one, entitled "an act to incorporate certain physicians by the name of the Massachusetts Medical Society."

An act authorizing executors and administrators to make sale of real estate mortgaged to their testators or intestates, and such as they shall take in execution in certain cases.

An act authorizing courts having criminal jurisdiction, to award, in certain cases, conditional sentences against offenders.

An act respecting lost goods and stray beasts.

An act for limiting the time within which suits may be prosecuted against executors and administrators, and for perpetuating the evidence of notice given by them, and by guardians and others, respecting the sale of real estate.

The following acts passed in the political year one thousand seven hundred and eighty-nine, to wit :

1789.

An act directing an equal distribution of the estates of intestates.

An act further to enable constables and collectors of taxes to complete their collections in certain cases.

An act authorizing the settlement of the claims of executors and administrators in the probate court by referees.

An act in addition to the act regulating the exportation of flax-seed and other articles, passed on the ninth day of November, anno domini one thousand seven hundred and eighty-four.

An act prescribing the form, and directing the mode of process, to be adopted in replevying of cattle or beasts distrained, and also of goods and chattels.

An act to provide for the safe keeping all prisoners committed under the authority of the United States, in the several gaols within this Commonwealth.

An act making compensation to the attorney-general of this Commonwealth for his services.

An act empowering commissioners appointed to receive and examine the claims of the creditors to insolvent estates, to require of, and administer to them an oath or affirmation, the better to discover the truth of their claims.

An act authorizing particular persons, in certain cases to prosecute and defend suits at law.

1790.

The following acts passed in the political year one thousand seven hundred and ninety, to wit :

An act in addition to, and to explain an act passed the tenth day of March in the year of our Lord one thousand seven hundred and eighty-four, entitled "an act for the better managing of lands, wharves, and other real estate lying in common."

An act for the relief of poor prisoners confined in gaol for taxes.

1791.

The following acts passed in the political year one thousand seven hundred and ninety-one, to wit :

An act for the preservation and encouragement of the fur trade within this Commonwealth.

An act to ascertain the quality of pot and pearl ashes, and for the more effectual inspection of the same.

An act in addition to an act entitled "an act for the more safe keeping the registry of deeds and conveyances of land, and for appointing the time and manner of choosing registers."

An act directing the manner in which inquests of office shall be taken to revest real estate in the Commonwealth, or to entitle the Commonwealth thereto.

An act in addition to an act, entitled "an act empowering the justices of the supreme judicial court to grant writs of review in certain cases."

An act in addition to the several laws now in force, providing for the collection of taxes.

An act in addition to, and for repealing and altering part of an act entitled "an act for limiting the time within which suits may be prosecuted against executors and administrators, and for perpetuating the evidence of notice given by them, and by guardians and others, respecting the sale of real estate."

An act to prevent damage by mischievous dogs.

An act to prevent appeals, in certain cases, from the judgment of a court of common pleas.

An act providing for the payment of costs in criminal prosecutions, and for preventing unnecessary costs therein.

An act providing for the due observation of the Lord's day, and repealing the several laws heretofore made for that purpose.

An act providing for the security of the treasury of this Commonwealth.

An act providing a more easy and simple method than is now in use of barring estates tail in lands,

and for making the same liable to the payment of the debts of the tenant in tail.

An act for making the certificates of certain officers, evidence in criminal cases.

An act in addition to an act, entitled "an act to establish a bank in this state, and to incorporate the subscribers thereto."

1792.

The following acts passed in the political year one thousand seven hundred and ninety-two, to wit :

An act authorizing coroners to execute writs and precepts when the office of sheriff may be vacant.

An act for altering an act of this Commonwealth, entitled "an act directing the manner in which money shall be raised and levied to defray the charges which may arise within the several counties of this Commonwealth."

An act for admitting inhabitants of towns, and certain other corporations, to be witnesses, as well for as against such towns and corporations, in suits at law.

An act for giving liberty to plead the general issue, and give the special matter in evidence, in certain cases.

An act for providing hospitals for inoculation, and preventing infection from the small pox, and for repealing several acts heretofore made for that purpose.

An act in addition to an act, entitled "an act to ascertain the quality of pot and pearl ashes, and for the more effectual inspection of the same," passed the seventeenth day of June, one thousand seven hundred and ninety-one.

The following acts passed in the political year one thousand seven hundred and ninety-three, to wit :

1793.

An act ascertaining what shall constitute a legal settlement of any person in any town or district within this Commonwealth, so as to entitle him to support therein, in case he becomes poor and stands in need of relief ; and for repealing all laws heretofore made respecting such settlement.

An act to secure to owners their property in logs, masts, spars, and other timber, in certain cases.

An act prescribing the mode of recovering forfeitures of personal property liable thereto by law, and also pecuniary forfeitures.

An act providing for the relief and support, employment and removal of the poor, and for repealing all former laws made for these purposes.

An act in addition to the act for the limitation of personal actions, and for avoiding suits at law, passed the thirteenth day of February, one thousand seven hundred and eighty-seven.

The following acts passed in the political year one thousand seven hundred and ninety-four, to wit :

1794.

An act in addition to an act, entitled “ an act for the distribution of insolvent estates.”

An act for repealing an act, made and passed in the year of our Lord one thousand six hundred and ninety-two, entitled “ an act for punishing criminal offenders,” and for re-enacting certain provisions therein.

An act to ascertain the jurisdiction and limits of the counties of Suffolk and Middlesex, over and upon Charles river.

An act in addition to an act, entitled “ an act concerning general and common fields,” passed in Feb-

ruary, in the year of our Lord one thousand seven hundred and eighty-six.

An act for introducing the dollar and its parts as the money of account in this Commonwealth.

An act in addition to an act, entitled "an act providing for the payment of costs in criminal prosecutions, and for preventing unnecessary costs therein."

An act in addition to an act defining the general powers and duties, and regulating the office of sheriffs.

An act making provision for the erecting guide posts upon public roads.

An act to secure to masters and mistresses, as well as to apprentices and minor servants, bound by deed, their mutual privileges.

An act to enable creditors to receive their just demands out of the goods, effects and credits of their debtors, when the same cannot be attached by the ordinary process of law.

An act prescribing the duty of constables and collectors, in certain cases, previous to the advertisement of non resident proprietor's lands for sale, for non payment of taxes; and for perpetuating the evidence of posting notifications previous to such sales.

1795.

The following acts passed in the political year one thousand seven hundred and ninety-five, to wit :

An act to regulate the sale of goods at public vendue, and to repeal all laws heretofore made for that purpose.

An act establishing and regulating the fees of the several officers and other persons hereinafter mentioned; and for repealing the laws heretofore made for that purpose.

An act relating to the place of trial, standing mute, and challenges, in certain capital cases.

An act directing that pews and rights in houses of public worship, shall be considered as real estate, and for registering the same.

An act for regulating elections.

An act directing the proceedings in actions of debt on judgments.

An act for appointing commissioners of sewers, and making provision for the better improvement of low lands in certain cases.

An act to enable sheriffs, deputy sheriffs, and constables, to require aid in the execution of their respective offices, in criminal cases.

An act for recording births and deaths by the clerks of towns and districts.

An act to prevent the destruction of oysters and other shell fish in this Commonwealth.

An act for the support and regulation of mills.

An act relating to actions of ejectment and disclaimer, and for preventing strip and waste pending such actions.

An act to repeal all the existing excise acts, and to provide for the expenses of justice in the several counties.

An act for giving to the supreme judicial court, holden at Boston, within and for the county of Suffolk, original jurisdiction of certain crimes committed within the county of Nantucket.

The following acts passed in the political year one thousand seven hundred and ninety-six, to wit :

1796.

An act to amend the "act directing the manner in which inquests of office shall be taken to revest real estate in the Commonwealth, or to entitle the Commonwealth thereto."

An act in further addition to an act, entitled "an act concerning general and common fields."

An act for regulating ferries.

An act for regulating drains and common sewers.

An act in addition to the several acts now in force respecting highways.

An act to regulate the going at large of sheep and rams, and he goats, at certain seasons of the year.

An act to prevent fraud in firewood, bark or coal exposed for sale.

An act for the limitation of actions against sheriffs for the misconduct and negligence of their deputies.

An act for keeping watches and wards in towns, and for preventing disorders in streets and public places.

An act in addition to an act, entitled "an act for regulating pilotage in several ports in this Commonwealth," and for otherways regulating the pilotage of the port of Boston.

An act for the extinguishment of fire, and to direct the proceedings thereat.

An act in addition to an act, entitled "act providing for the due observation of the Lord's day, and repealing the several laws heretofore made for that purpose."

An act in addition to an act, entitled "an act establishing a supreme judicial court within the Commonwealth."

1797.

The following acts passed in the political year one thousand seven hundred and ninety-seven, to wit :

An act in addition to an act, entitled "an act in addition to an act, entitled an act for regulating pilotage in several ports in this Commonwealth, and for otherways regulating the pilotage of the port of Boston."

An act to enable the treasurer of this Commonwealth, and the treasurers of counties, towns, and other corporations for the time being, to commence and prosecute suits at law, upon securities given to their predecessors.

An act to prevent the spreading of contagious sickness.

An act for removing doubts which have arisen in the construction of an act passed in the year of our Lord one thousand seven hundred and eighty-four, entitled "an act describing the power of justices of the peace."

An act to exempt people called quakers, from paying taxes for the support of public worship.

An act in addition to an act, entitled "an act directing the method for laying out highways."

An act prescribing the mode of taking depositions, and administering oaths and affirmations.

An act relating to suits against defendants out of the state, also to giving notice to defendants sued.

An act in addition to an act, entitled "an act for the support and regulation of mills."

The following acts passed in the political year one thousand seven hundred and ninety-eight, to wit :

1798.

An act in addition to an act entitled "an act to enable creditors to receive their just demands out of the goods, effects and credits of their debtors, when the same cannot be attached by the ordinary process of law."

An act in addition to the act, entitled "an act to prevent the destruction of oysters and other shell fish in this Commonwealth."

An act more effectually to prevent the pernicious practice of gaming.

An act in addition to the several laws regulating elections.

An act to prevent profane cursing and swearing.

An act in addition to an act entitled "an act directing that pews and rights in houses of public worship shall be considered as real estate, and for registering the same."

An act in addition to an act made and passed in the year of our Lord one thousand seven hundred and ninety-one, entitled "an act directing the manner in which inquests of office shall be taken to re-vest real estate in the Commonwealth, or to entitle the Commonwealth thereto."

An act in addition to an act, entitled "an act to prevent damage by mischievous dogs" passed February twenty-fifth, one thousand seven hundred and ninety-two.

An act enabling proprietors of aqueducts to manage the same.

An act providing for the safe keeping the records of the several notaries public in this Commonwealth.

An act in addition to an act, entitled "act for giving remedies in equity."

1799.

The following acts passed in the political year one thousand seven hundred and ninety-nine, viz :

An act in addition to an act entitled "an act to regulate the going at large of sheep and rams, and he-goats at certain seasons of the year," passed the seventh day of March, in the year of our Lord one thousand seven hundred and ninety-seven.

An act in addition to an act entitled "an act to prevent the destruction of oysters and other shell fish in this Commonwealth."

An act to explain an act entitled "an act against hawkers, pedlars and petty chapmen."

An act in addition to an act entitled "an act to prevent fraud in firewood, bark or coal exposed to sale," made and passed March seventh, one thousand seven hundred and ninety-seven.

An act to regulate the weighing of beef and pork.

An act to restrain unincorporated banking associations, and to prevent the issuing of small bank notes.

An act in addition to an act entitled "an act for enforcing the speedy payment of rates, and directing the process against deficient constables and collectors."

An act giving a remedy in law against the executors and administrators of deceased debtors, in joint contracts.

An act in addition to an act entitled "an act to prevent the spreading of contagious sickness."

An act for the due regulation of weights and measures.

An act to encourage the manufacture of leather, boots, half boots, shoes, pumps, sandals, slippers and goloshoes, and to prevent fraud therein.

An act to regulate the inspection of beef intended to be exported from this Commonwealth.

An act in addition to an act entitled "an act to prevent common nuisances."

An act in addition to an act entitled "an act for the support and regulation of mills."

An act to establish a municipal court in the town of Boston.

An act to empower assessors, in certain cases, to renew warrants to constables or collectors.

An act to ascertain the quality of butter, and for the more effectual inspection of the same.

1800.

The following acts passed in the political year one thousand eight hundred, to wit :

An act to ascertain the quality of hogs' lard, and making further provision for the inspection of butter.

An act to authorise the use of the vibrating steel-yard.

An act for relieving the county of Suffolk, in the choice and service of jurors, and for further regulating the administration of justice therein.

An act in addition to an act entitled "an act for the due regulation of weights and measures."

An act in further addition to an act entitled "an act to ascertain the quality of butter, and for the more effectual inspection of the same," and to the act entitled "an act to ascertain the quality of hogs' lard, and making further provision for the inspection of butter."

An act in addition to the several acts for regulating elections.

An act for regulating the manufacture and sale of bread.

1801.

The following acts passed in the political year one thousand eight hundred and one, to wit :

An act providing for the appointment of agents for demanding and receiving fugitives from justice, and for defraying the expense of transporting them from other states in the Union to this Commonwealth.

An act directing the proceedings for the speedy removal of nuisances.

An act in addition to an act entitled "an act to regulate the inspection of beef intended to be exported from this Commonwealth."

An act more effectually to secure fire-engines from being injured.

An act for carrying into execution more effectually the by-laws of the several towns within this Commonwealth.

An act to authorise the Governor, in certain cases, to offer a reward for the apprehending and securing persons escaping from prison, and for other purposes.

An act to regulate the inspection of pork intended to be exported from this Commonwealth.

An act in addition to an act enabling proprietors of private ways and bridges to repair them in equal proportions.

The following acts passed in the political year one thousand eight hundred and two, to wit :

1802.

An act in addition to an act entitled "an act in addition to an act passed the nineteenth of June, one thousand eight hundred and one, to regulate the inspection of beef intended to be exported from this Commonwealth."

An act in addition to an act entitled "an act directing the mode of transferring real estates by deed, and for preventing frauds therein."

An act in addition to an act entitled "an act to exempt the people called Quakers from paying taxes for the support of public worship," passed the twenty-third day of June, in the year of our Lord one thousand seven hundred and ninety-seven.

An act in addition to, and amendment of an act, entitled "an act directing the method for laying out highways."

An act to prevent the wilful destruction and casting away of ships and cargoes.

1803.

The following acts passed in the political year one thousand eight hundred and three, to wit :

An act to regulate the manufacture of chocolate in this Commonwealth, to prevent deception in the quality and exportation thereof, and to repeal a law for that purpose, passed March the eighth, one thousand eight hundred and three.

An act in addition to an act, entitled "an act to prevent damages being done upon the improved lands adjoining Connecticut river, by reason of timber being left thereon by the spring floods, and for fixing a time for the owners to remove it," made in the year of our Lord one thousand seven hundred and eighty-one.

An act respecting conditional pardons.

An act in addition to an act, entitled "an act regulating bail in civil actions."

An act providing for the appointment of a reporter of decisions in the supreme judicial court.

An act to regulate the taking of mackerel and to prevent the destruction of the same.

An act to repeal in part, and making further additions to an act entitled "an act to regulate the inspection of beef, intended to be exported from this Commonwealth."

An act in addition to an act, entitled "an act for the due regulation of weights and measures."

An act making provision for the payment of costs in laying out turnpike roads.

The following acts passed in the political year one thousand eight hundred and four, to wit :

1804.

An act in addition to an act, entitled "an act to secure to owners their property in logs, masts, spars and other timber, in certain cases."

An act in addition to an act, entitled "an act providing a more easy and simple method than is now in use of barring estates tail in lands, and for making the same liable to the payment of the debts of the tenant in tail."

An act in addition to an act, entitled "an act for the relief of poor prisoners who are committed on execution for debt."

An act to provide for the proof of fire-arms manufactured within this Commonwealth.

An act directing the mode of attaching on mesne process, and selling by execution, shares of debtors in incorporated companies.

An act providing for the regular discharge of mortgages made to the Commonwealth.

An act making further provision in the judicial department.

An act in addition to an act, entitled "an act in addition to an act entitled an act in addition to the several acts for regulating elections, and for repealing the first section of said act."

An act against forgery and counterfeiting.

An act in addition to an act to regulate the inspection and exportation of pork, passed March the eleventh, one thousand eight hundred and two, and to repeal a part of the same.

An act providing for the punishment of the crimes of murder, manslaughter, felonious maims and assaults, and duelling, and for the prevention thereof.

An act defining the general powers and duties of turnpike corporations.

An act providing for the punishment of incendiaries, and the perpetrators of other malicious mischiefs.

An act against sodomy and bestiality.

An act to prevent the circulation of private notes, bills, orders and checks, under five dollars.

An act providing for the punishment of the crimes of robbery and other larcenies, and for the prevention thereof.

1805.

The following acts passed in the political year one thousand eight hundred and five, to wit :

An act for limiting the times within which writs of error shall be brought for the reversing of any judgments.

An act prescribing the manner of proving private acts and resolves of this Commonwealth, in courts of law.

An act to annex the town of Hinsdale to the middle district, for the registry of deeds, for the county of Berkshire.

An act in addition to an act, entitled "an act regulating marriage and divorce."

An act to increase the fees of grand and petit jurors and witnesses in criminal causes.

An act to enable the proprietors of social libraries to manage the same.

An act for continuing an act, entitled "an act providing for the appointing of a reporter of decisions in the supreme judicial court."

An act in addition to an act, entitled "an act empowering the selectmen of such towns where there may be fire engines, to appoint engine men, and repealing the laws heretofore made for that purpose."

An act to repeal divers laws respecting crimes and offences.

An act regulating the descent and distribution of intestate estates.

An act providing for the punishment of the crime of rape, and for the prevention thereof.

An act for regulating the proceedings in suits upon sheriffs' bonds, for the use of any person or persons who are or may be entitled to the benefit of the same.

An act to exempt certain goods and chattels of debtors from attachment and execution.

An act providing for the punishment of the crimes of burglary, and other breaking and entering of buildings.

The following acts passed in the political year one thousand eight hundred and six, to wit :

1806.

An act establishing the salaries of the justices of the supreme judicial court.

An act amendatory of the acts to regulate the manufacture of nails.

An act to provide for the inspection of hops for exportation.

An act in addition to an act, entitled "an act describing the duty and power of coroners," and for repealing an act passed the seventh day of March, eighteen hundred and six.

An act in addition to an act, entitled "an act to enable the proprietors of social libraries to manage the same."

An act enlarging the powers and duties of the guardians of persons who spend or waste their estates by excessive drinking, idleness, gaming, or debauchery.

An act extending the time in certain cases that goods and estates attached upon mesne processes, for the security of the debt or damage sued for, shall be held.

1807.

The following acts passed in the political year one thousand eight hundred and seven, to wit :

An act respecting the offices and duties of the attorney general, solicitor general, and county attorneys.

An act to prevent fraud and deception in curing and packing smoked alewives and herrings, and to regulate the size and quality of the boxes, and the exportation thereof from this Commonwealth.

An act in addition to an act, entitled "an act regulating parishes, precincts, and the officers thereof."

An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.

An act in addition to an act, entitled "an act defining the general powers and duties of turnpike corporations."

An act in addition to an act, entitled "an act describing the power of justices of the peace in civil actions," passed the eleventh day of March, seventeen hundred and eighty-four.

An act regulating the selections, the empannelling, and the services of grand, traverse, and petit-jurors, and repealing such laws, or clauses of laws, touching these subjects, so far as they are provided for by this act.

The following acts passed in the political year one thousand eight hundred and eight, to wit :

1808.

An act regulating the commencement of certain actions, in which the inhabitants of the town of Boston, in the county of Suffolk, shall be a party.

An act to empower the several towns in this Commonwealth to excuse such of their inhabitants as are engine-men, from serving as jurors in any court within this Commonwealth.

An act in addition to an act, entitled "an act to prevent the destruction of oysters and other shell-fish in this Commonwealth."

An act in addition to an act defining the general powers and duties, and regulating the office of sheriff.

An act authorizing the several courts of common pleas in this Commonwealth to allow accounts and order payment, for services and expenses incident to said courts.

An act in addition to "an act directing the process in habeus corpus."

An act to authorize judges of probate to remove executors, administrators and guardians, in certain cases.

An act requiring the several incorporated banks in this Commonwealth to adopt the stereotype steel plate in certain cases, and for other purposes.

The following acts passed in the political year one thousand eight hundred and nine, to wit :

1809.

An act in addition to the act establishing the salaries of the justices of the supreme judicial court.

An act supplementary to the act for providing and regulating of prisons.

An act to regulate the manufacture and inspection of stone lime and lime casks.

An act in addition to an act, entitled "an act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions."

An act limiting the time of payment of costs allowed in criminal prosecutions, and for other purposes.

An act for continuing an act, entitled "an act providing for the appointing of a reporter of decisions in the supreme judicial court."

An act for regulating, governing and training the militia of this Commonwealth.

An act to diffuse the benefits of inoculation for the cow-pox.

An act to prevent fraud and deception in the packing of pickled fish, and to regulate the size and quality of the casks, and the sale and exportation thereof within and from this Commonwealth, and to repeal all laws heretofore made on this subject.

An act in addition to an act, entitled "an act for the more speedy and effectual suppression of tumults and insurrections in the Commonwealth."

An act in addition to the several laws regulating elections.

An act directing the place where actions by or against a county may be commenced and prosecuted.

1810

The following acts passed in the political year one thousand eight hundred and ten, to wit :

An act granting relief to defendants in actions of *scire facias*, in certain cases.

An act to direct officers in the levy of executions.

An act for the relief of poor debtors.

An act in addition to an act, entitled "an act for providing and regulating of prisons."

An act further regulating divorces.

An act for the relief of persons who are scrupulous about taking oaths.

An act in addition to an act, entitled "an act to regulate the manufacture and inspection of stone lime and lime casks," passed the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and ten.

An act to enforce the satisfaction and payment of executions and warrants of distress, against certain corporations.

The following acts passed in the political year one thousand eight hundred and eleven, to wit :

1811.

An act respecting public worship and religious freedom.

An act providing for the appointment of clerks of the courts in the several counties, and for the safe keeping of the judicial records and files, and for other purposes.

An act regulating the choice of town officers and town meetings.

An act to prohibit certain officers of courts from buying promissory notes and other demands, for the purpose of making a gain or profit in the collection thereof.

An act to direct the time and manner of exhibiting the accounts of county treasurers, and the estimates for county taxes.

An act directing the manner of conveyance to be used by counties in purchasing and disposing of lands.

An act to regulate prisons within this Commonwealth.

An act directing the secretary of this Commonwealth to give any certificates which may be necessary to procure the release of American seamen, free of any charge.

An act defining the duties of sheriffs, coroners, and constables, in certain cases.

An act subjecting the real estate of banking corporations to be taken in execution, and sold at public auction, for the payment of their debts.

An act determining the places for holding the courts of probate, and the town in which the register of probate shall keep his office, within and for the county of Franklin.

An act providing for the safe keeping of the records in the offices of the register of deeds, and of the registers of probate, in the several counties within this Commonwealth.

An act in addition to an act, entitled "an act to regulate prisons within this Commonwealth."

An act appropriating certain fines for the repairing of highways and bridges.

1812.

The following acts passed in the political year one thousand eight hundred and twelve, to wit :

An act in addition to an act, entitled, "an act appropriating certain fines for the repairing of highways and bridges."

An act supplementary to the act respecting the evidence of notice, by administrators and others of the sale of real estate.

An act respecting bailable offences.

An act in addition to an act, entitled "an act for dividing the county of Hampshire, and erecting and forming the southerly part thereof into a separate county, by the name of Hampden."

An act in addition to an act, entitled "an act for dividing the county of Berkshire into three districts, for the purpose of choosing registers of deeds in the said districts."

An act in addition to an act, entitled "an act for the speedy assignment of dower, and for the preventing of strip and waste by tenants therein."

An act in further addition to an act, entitled "an act directing the method for laying out highways."

An act in addition to an act, entitled "an act for regulating, governing, and training the militia of this Commonwealth."

An act to enlarge the jurisdiction of the municipal court in the town of Boston.

An act authorising certain punishments in cases therein mentioned.

An act to prevent towns from choosing and returning more than their constitutional number of representatives.

An act in addition to, and for repealing the first section of an act, entitled "an act regulating the selection, the empannelling, and the services of grand, traverse, and petit juries, and repealing all laws, or clauses of laws, touching these subjects, so far as they are provided for by this act."

An act against perjury, and subornation of perjury.

An act in addition to an act, entitled "an act to prevent damage by mischievous dogs."

The following acts passed in the political year one thousand eight hundred and thirteen, to wit :

1813.

An act in addition to, and explanation of an act, entitled "an act establishing and regulating the

fees of the several officers, and other persons hereafter mentioned, and for repealing the laws heretofore made for that purpose."

An act relating to the office of the secretary of the Commonwealth.

An act regulating the sale of indian and rye meal.

An act more effectually to secure the rights of suffrage.

An act declaratory of the true intent and meaning of an act to provide for the safe keeping all prisoners committed under the authority of the United States in the several gaols within this Commonwealth.

An act empowering the stockholders of banks, within this Commonwealth, to alter, amend, and annul their by-laws.

An act respecting the times and places for holding the courts of probate in the county of Hampshire.

An act in further addition to an act, entitled "an act defining the general power and duty of turnpike corporations."

An act making further provision for regulating pilotage in the port of Salem.

An act to establish the place for keeping the records of the probate court, in the county of Barnstable.

An act in addition to an act, entitled "an act exempting certain goods and chattels of debtors from attachment and execution."

An act concerning suits in behalf of the Commonwealth.

An act in addition to an act, entitled "an act in addition to an act, defining the general powers and duties, and regulating the office of sheriff," and for extending the provisions thereof to coroners.

An act in addition to an act, entitled "an act to provide for the proof of fire-arms, manufactured within this Commonwealth."

An act to prevent frauds in elections.

The following acts passed in the political year one thousand eight hundred and fourteen, to wit :

1814.

An act in addition to an act to regulate the sale of goods at public vendue.

An act repealing an act, entitled "an act supplementary to an act, entitled an act for regulating, governing and training the militia of this Commonwealth."

An act in further addition to an act, entitled "an act for regulating, governing and training the militia of this Commonwealth."

An act to establish the pay and rations of the militia, while in actual service, and the allowance to be made to them for arms, equipments and clothing, when furnished by themselves.

An act in addition to the several acts authorizing the sale of real estates by executors, administrators and guardians.

An act to authorize the appointment of surgeons in certain cases.

An act to provide for the safe keeping of the entrenching tools of this Commonwealth.

An act in addition to an act, entitled "an act against forgery and counterfeiting."

An act in addition to the act, entitled "an act for regulating, governing and training the militia of this Commonwealth."

An act to protect minors, and to secure the rights of parents, guardians, and masters.

An act to prevent damage to bridges and dams across Connecticut river in this Commonwealth.

An act to regulate the custody of shipwrecked goods, and to preserve them for their owners.

An act establishing a law term of the supreme judicial court, to be holden within and for the counties of Plymouth and Bristol.

An act in further addition to an act, entitled "an act for the support and regulation of mills."

An act in addition to the several acts defining the general powers and duties of turnpike corporations.

An act providing compensation to militia officers, in certain cases.

1815.

The following acts passed in the political year one thousand eight hundred and fifteen, to wit :

An act in addition to the several acts now in force to regulate the inspection of beef and pork, to be exported.

An act appointing the places where the probate courts for the county of Hampden shall be holden.

An act in addition to an act, entitled "an act to regulate the sale of goods at public vendue, and to repeal all laws heretofore made for that purpose."

An act respecting clerks of courts.

An act requiring certain public inspectors to make annual returns.

An act in addition to the act establishing a law term of the supreme judicial court within and for the counties of Plymouth and Bristol.

An act to regulate the practice of law in certain cases.

An act to regulate the quality of paper for books of public record.

An act in addition to an act, entitled “an act for the punishment of rape, and for the prevention of the same.”

An act making further provision in the judicial department.

An act in addition to an act, entitled “an act to regulate the weight of beef and pork.”

An act in addition to an act, entitled “an act regulating the commencement of certain actions in which the inhabitants of the town of Boston, in the county of Suffolk, shall be a party.”

An act making provision for the holding of a term of the supreme judicial court in the counties of Franklin and Hampden, and for altering the time of holding the same in the counties of Hampshire and Berkshire.

An act in addition to the several acts now in force to regulate the inspection of butter and lard to be exported.

An act in addition to the several laws now in force, providing for the collection of taxes.

An act for promoting the sale and settlement of the public lands in the district of Maine.

An act in addition to an act, entitled “an act in addition to an act, entitled an act providing for the due observation of the Lord’s day, and repealing the several laws heretofore made for that purpose.”

An act for the suppression and punishment of cheats.

An act in addition to the several acts for giving remedies in equity.

An act establishing the salary of the adjutant general.

1816.

The following acts passed in the political year one thousand eight hundred and sixteen, to wit :

An act to enforce the rendition of an account of fees of office.

An act extending the powers of the justices of the supreme judicial court in certain cases.

An act in addition to the act for regulating, governing and training the militia of this Commonwealth.

An act in further addition to an act, entitled "an act for the relief of poor prisoners, who are committed by execution for debt."

An act to authorize the use of the vibrating steel-yard.

An act to authorize the supreme judicial court to grant leave to claimants upon insolvent estates to institute suits in certain cases.

An act concerning dower.

An act in addition to the several acts concerning probate bonds.

An act authorizing judges of probate to make allowances to widows of persons deceased whose estates are insolvent.

An act concerning jurors in the county of Suffolk.

An act in addition to an act, entitled "an act for the relief of poor debtors."

1817.

The following acts passed in the political year one thousand eight hundred and seventeen, to wit :

An act to extend the powers and duties of sheriffs, coroners and constables, in certain cases.

An act in addition to the several acts concerning the curing, packing and exportation of smoked and pickled fish.

An act vesting further powers in the supreme ju-

dicial court, respecting amendments on review, and the return of writs of *venire facias*.

An act in addition to an act, entitled "an act in addition to the several laws now in force, providing for the collection of taxes."

An act explanatory of an act, entitled "an act regulating the choice of town officers, and town meetings."

An act in addition to the several laws now in force to secure to owners their property in logs, masts, spars, and other timber.

An act for giving further remedies in equity.

An act establishing the compensation of witnesses.

An act concerning constables.

An act to prevent the destruction of certain useful birds at unseasonable times of the year.

An act in addition to an act, entitled "an act exempting certain goods and chattels of debtors from attachment and execution."

An act to define the powers, duties and restrictions of insurance companies.

An act regulating the sale of salt and grain.

An act regulating the practice of physic and surgery.

An act in addition to the several acts defining the powers and duties of turnpike and bridge corporations.

An act for facilitating trials in civil causes.

An act to encourage the destruction of bears, wolves and other mischievous animals.

An act further to provide for the payment of costs in criminal prosecution.

An act in addition to "an act regulating bail in civil actions."

An act in addition to an act, entitled "an act to

enable creditors to receive their just demands out of the goods, effects and credits of their debtors, when the same cannot be attached by the ordinary process of law."

An act regulating the packing and selling of paper, within this Commonwealth, and for repealing an act heretofore made on that subject.

An act to prevent the destruction of white pine and other forest trees in this Commonwealth.

An act in addition to an act, entitled "an act prescribing the mode of taking depositions and administering oaths and affirmations."

An act directing the mode of selling real estate lying within this Commonwealth belonging to persons living without the same.

An act further regulating parish and precinct meetings.

An act concerning poor prisoners, and other persons.

An act concerning plates for printing bank notes.

An act authorizing the proprietors of churches, meeting houses, and other houses of public worship, to regulate and manage their property and interest therein.

An act to regulate the jurisdiction and proceedings of the courts of probate.

1818.

The following acts passed in the political year one thousand eight hundred and eighteen, to wit :

An act in further addition to "an act establishing a law term of the supreme judicial court, to be holden within and for the counties of Plymouth and Bristol."

An act in addition to the act, entitled "an act for the more effectually preventing of trespasses in divers cases."

An act in further addition to an act, entitled "an act concerning general and common fields."

An act to amend an act, entitled "an act concerning plates for printing bank notes."

An act in addition to an act, entitled "an act empowering the judges of probate to appoint guardians to minors and others."

An act to prevent the waste and destruction of timber and cord wood.

An act to establish the salaries of certain officers therein named.

An act in further addition to an act for giving remedies in equity.

An act in addition to an act, entitled "an act against forgery and counterfeiting."

An act in addition to the acts concerning the sale of real estate by administrators, executors and guardians.

An act in addition to an act, entitled "an act regulating the practice of physic and surgery."

An act for the encouragement of agriculture and manufactures.

An act in addition to the several acts now in force, directing the manner of levying executions on real estate.

An act in addition to the several acts now in force, respecting highways.

An act to encourage trade and navigation within this Commonwealth.

An act making further provision for the punishment of robbery, manslaughter and felonious assaults.

1819.

The following acts passed in the political year one thousand eight hundred and nineteen, to wit :

An act respecting packing pickled fish.

An act in addition to an act, entitled "an act for the providing and regulating of prisons."

An act in furtherance of good discipline in the colleges of this Commonwealth.

An act regulating damages on inland bills of exchange.

An act in addition to the several acts concerning corporations.

An act in addition to the acts relative to highways.

An act making further provision for calling meetings of the stockholders of banks and insurance companies.

An act in addition to an act entitled "an act directing the mode of attaching on mesne process, and selling by execution, shares of debtors in incorporated companies."

An act to relieve towns from the expenses of supporting persons imprisoned for debt.

An act in addition to an act entitled "an act for the relief of poor prisoners, who are committed by execution for debt."

An act authorizing the several insurance companies in this Commonwealth to insure against fire.

An act in further addition to an act entitled "an act for the limitation of certain real actions, and for the equitable settlement of certain claims, arising in real actions."

An act for establishing the compensation for pilot-
ing vessels through the Vineyard sound, over Nantucket shoals, in certain cases.

An act securing to mechanics and others payment for their labor and materials expended in erecting and repairing houses and other buildings with their appurtenances.

An act in addition to an act entitled "an act directing the settlement of the estates of persons deceased, and for the conveyance of real estate in certain cases."

An act to prevent the introduction of paupers from foreign ports or places.

The following acts passed in the political year one thousand eight hundred and twenty, to wit:

1820.

An act concerning the meetings of proprietors of general and common fields.

An act in addition to an act entitled "an act regulating damages on inland bills of exchange."

An act to establish the terms of the supreme judicial court.

An act to exempt students from military duty.

An act to correct and improve the method of inspecting butter and lard in this Commonwealth.

An act in addition to the several acts regulating the inspection of beef and pork intended to be exported from this Commonwealth.

An act concerning hawkers, pedlars and petty chapmen.

An act in addition to an act for the encouragement of agriculture and manufactures.

An act for apprehending offenders in any county.

An act in addition to an act entitled "an act in addition to an act entitled an act empowering the justices of the supreme judicial court to grant writs of review, in certain cases."

An act further to regulate the jurisdiction and proceedings of the courts of probate.

An act respecting cases of divorce and alimony.

An act establishing the law of the road.

An act regulating the number and compensation of the clerks in the offices of the secretary and treasurer of the Commonwealth.

An act to establish a court of common pleas for the Commonwealth of Massachusetts.

An act to exempt certain officers of the Massachusetts general hospital from military duty.

An act in addition to an act entitled "an act to establish a court of common pleas for the Commonwealth of Massachusetts."

An act to transfer the duties of the quarter master general to the adjutant general, and to reduce the compensation of certain officers therein named.

1821.

The following acts passed in the political year one thousand eight hundred and twenty-one, to wit :

An act to prevent the destruction of birds on salt marshes at particular times of the year.

An act in addition to an act to relieve towns from the expenses of persons imprisoned for debt.

An act in further addition to an act entitled "an act to establish a court of common pleas for the Commonwealth of Massachusetts."

An act relative to filling any vacancy in the office of secretary or treasurer of the Commonwealth.

An act to provide for the discharge of officers in the militia.

An act respecting the courts of probate in the county of Norfolk.

An act in addition to an act entitled "an act determining the places for holding the courts of pro-

bate, and the town in which the register of probate shall keep his office, within and for the county of Franklin."

An act in addition to an act, entitled "an act to ascertain the quality of pot and pearl ashes, and for the more effectual inspection of the same."

An act in addition to an act, entitled "an act regulating parishes and precincts, and the officers thereof."

An act in addition to an act, entitled "an act for the distribution of insolvent estates."

An act to regulate the admeasurement of timber.

An act making further provision for the redemption of mortgages.

An act in further addition to an act, entitled "an act for regulating, governing and training the militia of this Commonwealth."

An act in addition to an act ascertaining what shall constitute a legal settlement in any town or district within this Commonwealth.

An act for limiting the term of imprisonment for fines and forfeitures, incurred for breaches of the laws regulating the militia of the Commonwealth.

An act for the preservation and regulation of the fishery in the towns of Fairhaven, New Bedford, Dartmouth and Westport.

An act to authorize justices of the peace to take recognizances in certain cases.

An act for the preservation of bridges.

An act in addition to an act, entitled "an act to prevent the destruction of the lobster fishery, in the town of Provincetown."

An act to provide a salary for the county attorney for the county of Suffolk.

An act to regulate the administration of justice within the county of Suffolk, and for other purposes.

1822.

The following acts passed in the political year one thousand eight hundred and twenty-two, to wit :

An act respecting the court of probate in the county of Worcester.

An act in addition to an act, entitled "an act to regulate the administration of justice within the county of Suffolk, and for other purposes."

An act respecting the municipal court of the city of Boston, and regulating the selections, the empannelling and services of grand, traverse, and petit jurors.

An act in addition to an act, entitled "an act defining the general powers and duties, and regulating the office of sheriffs."

An act to prevent the destruction of pickerel and trout in the rivers, streams and ponds within this Commonwealth.

An act to enlarge the jurisdiction of the court of common pleas in and for the county of Nantucket.

An act respecting law libraries.

An act in addition to an act, entitled "an act for regulating fences."

An act in addition to the several acts respecting writs of review.

An act respecting the inspection of beef.

An act in addition to the several acts for the more easy partition of lands, or other real estate.

An act in addition to the several acts now in force, regulating the limits of prison yards, and the discharge of poor debtors from prison.

An act imposing a duty on sales at auction.

An act in addition to "an act for the better secur-

ing and rendering more effectual grants and donations to pious and charitable uses."

An act regulating attachment on mesne process.

An act in further addition to an act, entitled "an act for regulating, governing and training the militia of this Commonwealth."

An act respecting sloops and vessels employed in transporting stone, sand and gravel, within this Commonwealth.

An act regulating elections, and declaring the qualifications of voters in town affairs.

An act respecting appeals from judgments of the court of common pleas.

An act further regulating actions of replevin and trover.

The following acts passed in the political year one thousand eight hundred and twenty-three, to wit :

1823.

An act in addition to an act, entitled "an act to provide for the discharge of officers of the militia."

An act relating to state paupers.

An act making provision for the holding an additional term of the supreme judicial court in the county of Hampden.

An act in addition to an act, entitled "an act to regulate the jurisdiction and proceedings of the courts of probate."

An act in further addition to an act, entitled "an act for suppressing and punishing of rogues, vagabonds, common beggars, and other idle, disorderly, and lewd persons."

An act conferring additional powers on justices of the peace, and for other purposes.

An act giving remedy in equity on gaol bonds.

An act in addition to an act, entitled "an act for regulating marriage and divorce."

An act regulating the hunting of deer.

An act altering the times of holding the courts of common pleas, in the counties of Nantucket and Dukes County.

An act to provide for the appointment of the treasurer of the county of Nantucket.

An act in addition to "an act making further provision in the judicial department."

An act to alter the time of holding the spring term of the supreme judicial court for the county of Essex.

An act to prevent the wanton destruction of lamps.

An act for preventing fraud in the admeasurement of salt and grain.

An act making further provision for the service of writs and setting off judgments.

An act in addition to an act, entitled "an act providing for the appointment of inspectors, and regulating the manufacture of gunpowder."

An act in addition to an act, entitled "an act concerning hawkers, pedlars, and petty chapmen."

An act in addition to "an act for the choice and appointment of assessors, and for assigning their powers and authority."

An act in addition to an act, entitled "an act for giving further remedies in equity."

An act establishing salaries for judges and registers of probate.

An act to prevent fraud in the attachment of real or personal estate.

An act authorizing executors and administrators

to plead *Plene administravit* in certain cases, and to settle the estates of their testators or intestates.

An act authorizing *femes covert* to join with the guardians of their husbands in the sale of real estate, held in right of the wife, and to release their dower in certain cases.

1824.

The following acts passed in the political year one thousand eight hundred and twenty-four, to wit :

An act in addition to an act, entitled "an act to regulate the exportation of smoked herring and alewives."

An act providing for holding the probate courts alternately at Uxbridge and Mendon, in the county of Worcester.

An act in addition to an act, entitled "an act in addition to an act defining the general powers and duties, and regulating the office of sheriff."

An act to prevent and punish frauds upon banks.

An act for the better security of owners of land from claims for light, air, and way.

An act in addition to an act, entitled "an act in addition to an act, entitled an act to enable the proprietors of social libraries to manage the same."

An act in addition to "an act for the better managing lands, wharves, and other real estate, lying in common."

An act in addition to "an act prescribing the mode of taking depositions, and administering oaths and affirmations."

An act in addition to an act, entitled "an act to regulate the going at large of sheep and rams, and he-goats, at certain seasons of the year."

An act to regulate hay scales.

An act to extend the powers and duties of sheriffs, coroners, and constables, in certain cases.

An act in addition to an act, entitled "an act directing the proceedings for the speedy removal of nuisances," and extending the act to the county of Nantucket.

An act in addition to "an act further to provide for the payment of costs in criminal prosecutions."

An act relating to jurors.

An act in addition to the several acts, entitled "an act empowering the selectmen of such towns where there may be fire engines, to appoint engine men; and repealing the laws heretofore made for that purpose."

An act in addition to an act, entitled "an act to enforce the satisfaction and payment of executions and warrants of distress against certain corporations."

An act in addition to an act, entitled "an act in addition to an act to relieve towns from the expenses of persons imprisoned for debt."

An act in addition to an act, entitled "an act in addition to the several acts now in force respecting highways."

An act in addition to an act, entitled "an act to prevent the destruction of pickerel in the ponds and streams within this Commonwealth."

An act in addition to "an act imposing a duty on sales at auction."

An act to allow grace on bills of exchange and notes according to the custom of merchants.

An act in further addition to an act, entitled "an act for the admeasurement of boards, and regulating the tale of shingles, clapboards, hoops and staves, and for other purposes therein mentioned."

An act in addition to an act, entitled "an act to prevent the wilful destruction and casting away of ships and cargoes."

An act for the appointment of trustees in certain cases of divorce.

An act authorizing the city of Boston and towns in this Commonwealth to make by-laws restraining dogs going at large.

An act to prevent forcibly passing and avoiding toll-gates.

An act in addition to an act, entitled "an act to prevent fraud and deception in the packing of pickled fish, and to regulate the size and quality of the casks, and the sale and exportation thereof within and from this Commonwealth, and to repeal all laws heretofore made on this subject."

An act in addition to "an act imposing a duty on sales at auction."

An act in addition to an act, entitled "an act for the support and regulation of mills," and the several acts in addition thereto.

The following acts passed in the political year one thousand eight hundred and twenty-five, to wit :

1825.

An act making provision for holding an additional term of the supreme judicial court in the county of Franklin.

An act further to provide for the payment of costs in criminal prosecutions.

An act for the erecting another building within the limits of the state prison, in Charlestown, and for the better government thereof.

An act providing further remedies for landlords and tenants.

An act authorizing senators and representatives to administer oaths and affirmations in certain cases.

An act regulating appeals in certain cases.

An act in addition to an act, entitled "an act in

addition to the several acts regulating the inspection of beef and pork intended to be exported from this Commonwealth."

An act for abolishing the punishment of whipping within this Commonwealth.

An act for altering the time of holding the courts of common pleas in Nantucket and Dukes county.

An act relating to the support and regulation of mills.

An act to alter the times of holding the supreme judicial court.

An act to establish a term of the supreme judicial court in Nantucket.

An act relating to a library for the general court.

An act to establish the rate of interest, and to restrain the taking of excessive usury.

An act in addition to the several acts now in force regulating the choice of registers of deeds in the several counties of this Commonwealth.

An act to restrain public shows and theatrical exhibitions.

An act in addition to an act, entitled "an act to regulate the militia of this Commonwealth."

An act in addition to an act, entitled "an act imposing a duty on sales at auction," and the acts in addition thereto.

An act in addition to an act, entitled "an act for the punishment of fornication, and for the maintenance of bastard children."

An act relating to jurors in the counties of Dukes county and Nantucket.

An act to regulate damages on foreign bills of exchange.

The following acts passed in the political year one thousand eight hundred and twenty-six, to wit :

1826.

An act to prevent damage from firing crackers, squibs, serpents and rockets.

An act in addition to an act passed February the twenty-fourth, A. D. one thousand eight hundred and eighteen, concerning poor prisoners and other persons.

An act respecting the choice and service of jurors from the town of Chelsea, within the county of Suffolk.

An act in addition to an act, entitled "an act to establish the rate of interest, and to restrain the taking of excessive usury."

An act to provide for the more uniform and perfect engrossing of bills, and for preserving the same.

An act relating to the duties of the reporter of decisions in the supreme judicial court.

An act in addition to acts empowering judges of probate to appoint guardians to minors and others.

An act in addition to an act, entitled "an act in addition to the acts concerning the sale of real estate by administrators, executors and guardians."

An act to prevent unnecessary delay and expense in the prosecution of real actions.

An act in addition to an act, entitled "an act in furtherance of good discipline in the colleges of this Commonwealth," passed June 19, 1819.

An act in addition to the several acts regulating parishes and precincts, and the officers thereof.

An act in addition to the several acts concerning depositions.

An act to regulate pilotage from the sea into New Bedford and Fairhaven.

An act concerning the pay of members of the general court and council, in certain cases.

An act relating to prosecutions for libel, and to pleadings in actions for libel and slander.

An act in addition to the act giving further remedies in equity.

An act in addition to former acts regulating pilotage in the port of Salem.

An act in addition to "an act to prevent forcibly passing and avoiding toll-gates."

An act in addition to an act, entitled "an act for regulating towns, settling their power, and for the choice of town officers."

An act to regulate the weighing merchandize and other commodities.

An act to regulate the manufacture of wrought nails within this Commonwealth, and to repeal all laws heretofore made for that purpose.

An act in addition to an act, entitled "an act to regulate the jurisdiction and proceedings of courts of probate."

An act regulating the driving of stage coaches and other vehicles for the conveyance of passengers.

An act respecting agencies of foreign insurance companies established in this Commonwealth.

An act to provide for the instruction of youth.

1827.

The following acts passed in the political year one thousand eight hundred and twenty-seven, to wit :

An act altering the times of holding the courts of common pleas in the county of Worcester.

An act to fix the times of holding the courts of common pleas in Dukes' County.

An act in addition to an act, entitled, "an act to prevent fraud in fire-wood, bark, or coal exposed for sale."

An act in addition to the several acts giving further remedies in equity.

An act to increase the pay of jurors in certain cases.

An act in addition to an act, entitled "an act respecting lost goods and stray beasts."

An act to establish county commissioners, and to repeal the several acts establishing the courts of sessions, and in addition thereto, and the act establishing commissioners of highways.

An act giving relief in equity in cases of waste and nuisance.

An act to alter the time of holding one of the terms of the court of common pleas for the county of Barnstable.

An act to provide for internal improvement by rail-roads.

An act providing for the government and regulation of the state prison.

An act in addition to "an act for providing hospitals for inoculation, and preventing infection from the small pox, and for repealing several acts heretofore made for that purpose."

An act establishing an additional term of the supreme judicial court for the county of Bristol, and for altering the place of holding two of the terms of the court of common pleas in said county.

The following acts passed in the political year one thousand eight hundred and twenty-eight, to wit :

1828.

An act in addition to an act, entitled "an act to establish the terms of the supreme judicial court."

An act in further addition to an act, entitled "an act regulating the commencement of certain actions in which the inhabitants of the town of Boston in the county of Suffolk shall be a party."

An act in addition to the several acts in relation to the inspection of butter and lard.

An act requiring the publication of an annual statement of county receipts and expenditures.

An act making members of mutual fire insurance companies competent witnesses in certain cases.

An act in addition to the several acts heretofore passed in relation to divorce.

An act in addition to the several acts giving further remedies in equity.

An act regulating the storage of gunpowder.

An act in addition to "an act prescribing the forms of writs in civil causes, and directing the mode of proceeding therein."

An act to regulate banks and banking.

An act restraining banks from taking excessive interest, and for other purposes.

An act to prevent fraud in the sale of ale, beer, and cider.

An act in further addition to an act, entitled "an act regulating the commencement of certain actions in which the inhabitants of the town of Boston in the county of Suffolk shall be a party."

An act providing for additional meetings of county commissioners in certain cases.

An act authorizing towns and parishes to purchase land for burial-grounds.

An act making further provision for the survivorship of civil actions.

An act in addition to an act, entitled "an act relating to suits against defendants out of the state, also to giving notice to defendants sued."

An act in relation to notices on the sale of equities of redemption.

An act in addition to an act regulating the inspection of hops.

An act in relation to the abatement of legal process.

An act relating to the sale of the real estate of minors and others.

An act in addition to "an act to provide for the instruction of youth."

An act in addition to an act, entitled "an act to regulate the militia of this Commonwealth."

An act for the amendment of the law relating to real actions.

An act in further addition to an act, entitled "an act to enable proprietors of social libraries to manage the same."

An act in addition to "an act regulating the descent and distribution of intestate estates."

An act in addition to "an act providing for the relief, support, employment, and removal of the poor."

An act in addition to the existing acts respecting taxation.

An act in addition to "an act to prevent fraud in the sale of ale, beer, and cider."

The following acts passed in the political year one thousand eight hundred and twenty-nine, to wit :

1829.

An act regulating the service of grand jurors in the county of Bristol.

An act further providing for the government and regulation of the state prison.

An act in addition to the several acts in relation to the inspection of salted or pickled fish.

An act in addition to "an act to regulate pilotage from the sea into New Bedford and Fairhaven."

An act to provide for the inspection of salt manufactured in this Commonwealth.

An act in addition to an act, entitled "an act to

prevent fraud and deception in the packing of pickled fish, and to regulate the size and quality of the casks, and the sale and exportation thereof, within and from this Commonwealth, and to repeal all laws heretofore made on this subject."

An act concerning the taxation of costs.

An act defining the general powers and duties of manufacturing corporations.

An act in addition to the several acts regulating towns, and the choice of town officers.

An act in addition to "an act against perjury and subornation of perjury."

An act to secure to the public the benefit of ornamental trees.

An act to provide for the survey of lumber in the city of Boston, and to repeal certain provisions of law in relation to the exportation of lumber from the Commonwealth.

An act concerning town and county bridges.

An act to prevent trespasses upon mills and dams, and the appurtenances thereof.

An act in addition to an act, entitled "an act directing the settlement of the estates of persons deceased, and for the conveyance of real estates in certain cases."

An act further to regulate the jurisdiction and proceedings of the courts of probate.

An act in addition to the several acts providing for the government and regulation of the state prison.

An act in further addition to an act, entitled "an act for regulating, governing and training the militia of this Commonwealth."

An act in addition to an act, entitled "an act to provide for the instruction of youth."

An act giving further remedies in equity.

An act in addition to the several acts for the support and regulation of mills.

A bill relating to mortgages and pledges of personal property, and property subject to any lien created by law.

An act to authorize the appointment of commissioners without the Commonwealth, to administer oaths, and take acknowledgment of deeds.

An act making further provisions respecting costs in certain cases.

The following acts passed in the political year one thousand eight hundred and thirty, to wit :

1830.

An act in addition to "an act to prevent the destruction of oysters and other shell-fish in this Commonwealth."

An act to alter a term of the supreme judicial court for the county of Bristol.

An act prescribing the duties of registers of deeds.

An act to provide a special term of the supreme judicial court within and for the county of Essex.

An act to alter a term of the court of common pleas for the county of Plymouth.

An act to alter a term of the supreme judicial court for the county of Bristol.

An act to provide for the survey and admeasurement of wood, coal, and bark for fuel, brought by water into the city of Boston, for sale.

An act to alter the terms of the court of common pleas in the county of Hampden.

An act to alter the meetings of the county commissioners in the county of Hampden.

An act to prevent the destruction of fish by coculus indicus or other poisonous articles.

An act in addition to an act entitled "an act to regulate the jurisdiction and proceedings of courts of probate."

An act in relation to the exportation of articles subject to inspection.

An act for the prosecution and punishment of accessories in felonies.

An act making further provision for the partition of real estate.

An act more effectually to protect the sepulchres of the dead, and to legalize the study of anatomy in certain cases.

An act in further addition to "an act imposing a duty on sales at auction."

An act in addition to an act, entitled "an act to prevent the destruction of certain useful birds at unseasonable times of the year."

An act mitigating the penalties in certain cases, for the crimes of arson, burglary, and larceny.

An act concerning corporations.

An act in addition to the several acts regulating the inspection of pickled fish.

An act in relation to the plea of tender.

An act to provide for investing the funds derived from the sale of eastern lands.

An act providing for the inspection of sole leather.

An act in addition to an act, entitled "an act describing the duty and power of coroners."

An act in addition to the several acts defining the general powers and duties, and regulating the office of sheriffs.

An act concerning the assessment of damages occasioned by the location of roads, rail roads, canals, and flowage of lands.

An act relating to the support of state paupers.

An act in addition to an act, entitled "an act to direct officers in the levy of executions."

An act in addition to "an act to regulate the jurisdiction and proceedings of the courts of probate."

An act relating to the powers of constables.

An act in addition to "an act in relation to the plea of tender."

An act limiting the tenure of office, and establishing the salaries for clerks of the judicial courts.

An act to abolish imprisonment for debt in certain cases.

An act in addition to the several acts concerning the sale of real estate by executors, administrators and guardians.

An act to perpetuate the evidence of the notice given by executors and administrators of their appointment.

An act establishing the terms of the probate court in the county of Norfolk.

An act in addition to an act, entitled "an act to prevent the introduction of paupers from foreign ports or places."

The following acts passed in the political year one thousand eight hundred and thirty one, to wit :

1831.

An act in addition to an act, entitled "an act to regulate pilotage from the sea into New Bedford and Fairhaven."

An act repealing part of and making further additions to an act, entitled "an act to regulate the inspection of beef and pork, intended to be exported from this Commonwealth."

An act regulating notices of petitions to be presented to the general court.

An act to alter the term of the court of common pleas for the county of Franklin.

An act further providing for the choice of moderators at meetings of towns, parishes, and religious societies.

An act in addition to an act, entitled "an act to repeal all the existing excise acts, and to provide for the expenses of justice in the several counties."

An act concerning conveyances of pews.

An act concerning the collection of taxes.

An act in addition to "an act for regulating elections."

An act to regulate the administration of justice within the town of Salem.

1832.

The following acts passed in the political year one thousand eight hundred and thirty-two, to wit :

An act in addition to the acts to exempt certain goods and chattels of debtors from attachment and execution.

An act in addition to "an act regulating notices of petitions to be presented to the general court."

An act further providing for the punishment of attempts to commit the crime of murder.

An act in addition to an act to define the powers, duties and restrictions of insurance companies.

An act in addition to an act providing for the government and regulation of the state prison.

An act enlarging the jurisdiction of the court of common pleas, in criminal cases, and regulating the appointment and duties of prosecuting officers.

An act respecting agencies of insurance companies incorporated out of this Commonwealth.

An act to prevent the destruction of the bird called grouse or heath hen in Duke's County.

An act to establish the times and places of holding the courts of probate within and for the county of Middlesex.

An act in further addition to "an act regulating the descent and distribution of intestate estates."

An act to divide the Commonwealth into districts, for the choice of counsellors and senators.

An act to prevent fraud in the transfer of personal property.

An act relating to the assessment of taxes.

An act in addition to "an act to prevent fraud in the attachment of real or personal estate."

An act in addition to an act to provide for the inspection of hops for exportation.

An act in addition to "an act to provide for the instruction of youth."

An act giving further remedies between co-executors and co-administrators.

An act in further addition to an act entitled "an act to enable creditors to receive their just demands out of the goods effects and credits of their debtors, when the same cannot be attached by the ordinary process of law."

An act for the due regulation of licensed houses.

The following acts passed in the political year one thousand eight hundred and thirty-three, to wit :

1833.

An act for the relief of poor convicts.

An act in addition to "an act defining the general powers and duties of turnpike corporations."

An act in addition to the acts empowering the judges of probate to appoint guardians to minors and others.

An act in addition to "an act to regulate the jurisdiction and proceedings of the courts of probate."

An act respecting the mode of calling and organizing meetings of corporations.

An act respecting sureties of the peace.

An act in addition to "an act providing for the government and regulation of the state prison."

An act to divide the Commonwealth into districts for the choice of Representatives in the Congress of the United States and prescribing the mode of election.

An act concerning school districts.

An act concerning corporations.

An act in addition to "an act for the government and regulation of the state prison."

An act relating to the surviving of petitions to the county commissioners for juries.

An act in addition to "the several acts imposing a duty on sales at auction."

An act in addition to the several acts to regulate the jurisdiction and proceedings of the courts of probate.

An act concerning clerks of the supreme judicial court.

An act in addition to "an act regulating elections and declaring the qualifications of voters in town affairs."

An act in addition to the several acts respecting highways.

An act in addition to "an act for the due regulation of licensed houses."

An act to regulate the service of writs and other process upon certain corporations.

An act to authorize payments to married women in certain cases.

An act in addition to "an act to provide for the instruction of youth."

An act to abolish the action of debt for an escape.

An act concerning elections.

An act to provide for the appointment of trustees of certain insurance companies.

An act to authorize the laying out of turnpike roads as common highways.

An act for the suppression of lotteries.

An act in addition to "an act for the choice and appointment of assessors, and for assigning their power and authority."

An act concerning the salaries of clerks of the judicial courts.

An act in addition to the several acts concerning the trustee process.

An act in addition to "an act establishing salaries for judges and registers of probate."

An act in relation to petitions for acts of incorporation for canal, rail-road, and turnpike companies.

An act to prevent trespasses on the state house, and other public buildings.

An act for defining the rights and duties of rail-road corporations in certain cases.

An act to authorize the courts of probate to grant leave to claimants upon insolvent estates to institute suits in certain cases.

An act regulating the admeasurement of charcoal.

An act concerning parties in actions at law.

An act to regulate the slaughtering and weighing of beef cattle.

An act in addition to "an act making further provision for the redemption of mortgages."

An act to prevent private banking.

An act in addition to "an act for apprehending offenders in any county."

An act for the prevention of fraud in the sale of oils.

An act concerning recognizances.

An act in addition to "an act against forgery and counterfeiting."

1834.

The following acts passed in the political year one thousand eight hundred and thirty-four, to wit :

An act in addition to "an act making further provision for the survivorship of civil actions."

An act concerning the appointment of engine men.

An act concerning unlawful oaths.

An act concerning penalties for the breach of town by-laws.

An act transferring to the selectmen of the town of Nantucket the powers and duties of county commissioners for the county of Nantucket.

An act in addition to "an act for the relief of poor convicts."

An act concerning the entry of actions and appeals.

An act to regulate the compensation of assessors.

An act in addition to "an act providing for the relief and support, employment and removal of the poor, and for repealing all former laws made for those purposes."

An act in addition to "an act to direct the time and manner of exhibiting the accounts of county treasurers and the estimates for county taxes."

An act concerning prosecutions for the recovery of fines imposed by courts martial.

An act in addition to "an act for defining the rights and duties of rail road corporations in certain cases."

An act to amend an act for keeping watches and wards in towns, and for preventing disorders in streets and public places.

An act authorizing sheriffs and others to administer oaths in certain cases.

An act in further addition to "an act providing for the government and regulation of the state prison."

An act in addition to the several acts regulating the inspection of pickled fish.

An act in addition to "an act concerning the collection of taxes."

An act concerning the state lunatic hospital.

An act for the regulation of gaols and houses of correction.

An act in addition to the several acts for regulating, governing, and training the militia of this Commonwealth.

An act respecting the formation of school districts.

An act to enable the proprietors of canals to collect tolls.

An act in addition to the acts relating to fugitives from justice.

An act concerning merchants' accounts.

An act in addition to "an act imposing a duty on sales at auction."

An act concerning leaseholders for long terms.

An act declaring inhabitants of counties to be competent witnesses in certain cases.

An act to abolish imprisonment for debt.

An act to establish the Massachusetts school fund.

An act concerning the meetings of school districts.

An act to prevent gaming.

An act for the more speedy recovery of damages caused by the laying out of highways and rail roads.

An act in addition to an act to regulate the jurisdiction and proceedings of courts of probate.

An act concerning the assessment of taxes in school districts.

An act for the orderly solemnization of marriages.

An act providing compensation for the judge of the municipal court of the city of Boston.

An act making a written memorandum necessary to the validity of certain promises and engagements.

An act relating to parishes and religious freedom.

An act for the maintenance of pounds, and concerning the impounding of cattle.

An act for the further prevention of fraud and embezzlement.

An act in addition to "an act more effectually to protect the sepulchres of the dead, and to legalize the study of anatomy in certain cases."

An act in addition to "an act concerning parties in actions at law."

An act to regulate institutions for savings.

An act providing for the collection of bonds, notes and other securities due to the Commonwealth.

An act to establish the salary of the attorney general.

An act enlarging the limits of the several gaol yards in this Commonwealth.

An act in addition to an act to provide a salary for the county attorney for the county of Suffolk.

An act in addition to "an act to regulate banks and banking."

1835.

The following acts passed in the political year one thousand eight hundred and thirty-five, to wit :

An act in addition to "an act concerning the state lunatic hospital."

An act limiting the liability of sureties in bonds given by guardians of minors.

An act fixing the pay of jurors.

An act concerning limited partnerships.

An act in addition to an "act for the regulation of gaols and houses of correction."

An act in addition to "an act transferring to the selectmen of the town of Nantucket the powers and duties of county commissioners for the county of Nantucket," and for other purposes.

An act limiting the tenure of the office of inspector.

An act in addition to the act regulating pilotage in the port of Newburyport.

An act in further addition to "an act to regulate the jurisdiction and proceedings of courts of probate."

An act in addition to "an act to establish a court of common pleas for the Commonwealth of Massachusetts."

An act to encourage by bounty the destruction of wild cats, bears and foxes.

An act in addition to "an act providing further remedies for landlords and tenants."

An act concerning the service of civil process in certain cases.

An act establishing additional terms of the court of common pleas in the county of Worcester.

An act concerning the jurisdiction of the court of common pleas in the county of Suffolk.

An act in addition to "an act relating to parishes and religious freedom."

An act in further addition to "an act directing the method for laying out highways."

An act in addition to an act providing for the government and regulation of the state prison.

An act in addition to "an act limiting the tenure of office, and establishing the salaries for clerks of the judicial courts."

An act providing for the sealing of hay scales and platform balances.

An act concerning paupers.

An act in addition to "an act concerning the state lunatic hospital."

An act in addition to "an act limiting the liabilities of sureties of bonds given by guardians of minors."

An act in addition to "an act to regulate elections."

An act to prevent the destruction of certain birds.

An act to provide for the distribution of the income of the Massachusetts school fund.

An act more effectually to suppress riots.

An act in further addition to "an act to enable creditors to receive their just demands out of the goods, effects and credits of their debtors when the same cannot be attached by the ordinary process of law."

An act in addition to an act regulating attachments on mesne process.

An act in addition to the several acts for regulating, governing and training the militia of this Commonwealth.

An act concerning sales of property on execution.

An act relating to the real estate of married women taken for public use.

An act to regulate mutual fire insurance companies.

An act in addition to an act for defining the rights and duties of rail road corporations in certain cases.

An act in addition to "an act to regulate the pilotage for the harbor of Boston."

An act in addition to "an act to provide for the safe keeping all prisoners committed under the au-

thority of the United States in the several gaols in this Commonwealth."

An act to provide for the election of county commissioners and for other purposes.

"An act to establish the office of sergeant at arms, and prescribing the duties thereof."

SEC. 2. The following parts of acts are also repealed, to wit :

The seventh section of the act passed in the political year one thousand seven hundred and eighty-six, entitled "an act for the orderly solemnization of marriages;" and

1786.

The second and third sections of the act passed in the political year one thousand eight hundred and thirty, entitled "an act to continue the banking corporations therein named, and for other purposes."

1830.

SEC. 3. The repeal of the several acts and parts of acts before mentioned shall take effect from and after the last day of April next; but with all the exceptions and limitations in that behalf expressed in the said one hundred and forty-sixth chapter of the Revised Statutes.

SEC. 4. In any case when a limitation or period of time prescribed in any of the acts hereby repealed, for the acquiring of any right, or the barring of any remedy, or for any other purpose, shall have begun to run, and the same or any similar limitation is prescribed in the Revised Statutes, the time of limitation shall continue to run, and shall have the like effect as if the whole period had begun and ended under the operation of the Revised Statutes.

[Approved by the Governor, February 20, 1836.]

CHAP. VIII.

An Act authorizing the sale of the Parsonage Lands
of the First Parish in Dorchester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Deacons of the First Church in Dorchester, for the time being are hereby authorized and empowered to sell at public or private sale, that certain parcel of land, with the buildings thereon, situate in Dorchester in the County of Norfolk which was devised to them by Sarah Preston deceased, in trust for the use of the pastors or ministers of said church, and to make and execute a deed or deeds thereof to the purchaser or purchasers, and to invest the proceeds thereof in such manner as the First Parish in said Dorchester, may direct : *provided, however,* that the proceeds of such sale shall be so invested, that the income only, and no part of the principal, shall be applied to the use of such pastors or ministers for the time being, forever.

Ddeacons author-
ized to sell, and
invest proceeds.

Proviso.

[Approved by the Governor, February 20, 1836.]

CHAP. IX.

An Act to incorporate the Infant School Association
for the education of colored youth in the city of
Boston.

BE *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same,* That Thomas Dalton,
George Washington, Charles V. Caples, their asso-
ciates and successors, are hereby made a corporation
by the name of "The Infant School Association for
the education of colored youth in the city of Bos-
ton" for the purpose of receiving and educating
children of color preparatory to their entering higher
schools, with all the powers and privileges, and sub-
ject to all the liabilities and requirements contained
in the forty-fourth chapter of the Revised Statutes,
passed on the fourth day of November eighteen
hundred and thirty-five, with power also to hold real
and personal estate to an amount not exceeding ten
thousand dollars, to be appropriated exclusively to
the purposes aforesaid.

Persons incorpo-
rated.

Real and person-
al estate.

[Approved by the Governor, February 20, 1836.]

CHAP. X.

An Act to incorporate the East Mansfield Manufacturing Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John M. Hale and William Fisk, their associates, successors and assigns are hereby made a manufacturing corporation by the name of the East Mansfield Manufacturing Company, for the purpose of manufacturing cotton and wool in the town of Mansfield in the county of Bristol, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed November fourth in the year one thousand eight hundred and thirty-five.

Real and person-
al estate.

SEC. 2. Said company may hold for the purposes aforesaid real estate to the amount of fifteen thousand dollars, and personal estate to the amount of twenty thousand dollars.

[Approved by the Governor, February 24, 1836.]

CHAP XI.

An Act to incorporate the Ballard Vale Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Marland, Persons incorpo-
rated. Abraham J. Gould, and Mark H. Newman, their associates, successors and assigns, are hereby made a manufacturing corporation, by the name of the Ballard Vale Company, for the purpose of manufacturing cotton and woollen goods in the town of Andover, in the county of Essex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold for the Real and person-
al estate. purposes aforesaid, real estate to the amount of thirty-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of sixty-four thousand dollars.

[Approved by the Governor, February 25, 1836.]

CHAP. XII.

An Act to incorporate the Cuba Mining Company.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Daniel Brewer, Lemuel Williams, and Thomas B. Smith, their associates, successors and assigns, are hereby made a corporation by the name of the Cuba Mining Company, for the purpose of procuring and smelting Copper Ore (said smelting to be carried on in the County of Bristol,) and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said Company may hold for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said Company shall not exceed the amount of five hundred thousand dollars.

[Approved by the Governor, February 29th, 1836.]

CHAP. XIII.

An Act to incorporate the Pacific Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. William W. Parrott, Josiah Bradlee, George Hallet, their associates, successors and assigns, are hereby made a corporation, by the name of the Pacific Insurance Company, to be located in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses and losses by fire, in the customary manner, with all the powers and privileges, and subject to all the duties, restrictions and liabilities contained in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, for the term of twenty years from the passing of this act. Persons incorporated.

SEC. 2. The said corporation may hold any estate, real or personal, for the use of said company : *provided*, that the real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt or held as collateral security for money due to said company. Amount of estate.

SEC. 3. The capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, Capital stock.

and under such provisions and penalties, as the president and directors of said company shall order and appoint.

When to commence business, and amount on any risk.

SEC. 4. The said company shall be empowered to commence their business when one hundred thousand dollars of said stock shall have been paid in, being restricted to eight per centum on any one risk; and whenever said stock shall be increased to one hundred and fifty thousand dollars, ten per centum shall be allowed to be taken on any one risk: *provided, however,* that the whole amount of two hundred thousand dollars shall be paid in, within two years from the passing of this act.

[Approved by the Governor, March 10, 1836.]

CHAP. XIV.

An Act to authorize the Lawrence Manufacturing Company to increase their Capital Stock.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Capital increased.

The Lawrence Manufacturing Company are hereby authorized to increase their capital stock by the addition thereto of personal property to the amount of three hundred thousand dollars, said company to have all the powers and privileges, and to be subject to all the duties and restrictions, and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of

November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, March 11, 1836.]

CHAP. XV.

An Act to incorporate "the Sedgwick Seminary for Young Ladies."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

Samuel G. Goodrich, Charles W. Greene, Charles Hill, their associates and successors, are hereby made a corporation by the name of "the Sedgwick Seminary for Young Ladies," to be established at Jamaica Plain, in the town of Roxbury, in the county of Norfolk, with all the powers and privileges, and subject to all the duties and liabilities contained in chapter forty-fourth of the Revised Statutes of this Commonwealth, passed November fourth in the year one thousand eight hundred and thirty-five ; with power to hold real and personal estate, not exceeding in value the sum of fifty thousand dollars, to be devoted exclusively to the purposes of education.

Persons incorporated.

Estate.

[Approved by the Governor, March 11, 1836.]

CHAP. XVI.

An Act authorizing the county commissioners of the county of Berkshire to grant relief to the town of Washington in the construction of a county road.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

Expense of a road within the town of Washington may be assessed on the whole county.

The county commissioners for the county of Berkshire are hereby authorized and empowered, if they see fit, to order and direct that the whole expense or any part thereof, of making that part of a county road, recently laid out on the petition of Henry W. Bishop and others, which is within the town of Washington, shall be paid out of the Treasury of the county of Berkshire, any law of this Commonwealth to the contrary notwithstanding.

[Approved by the Governor, March 11, 1836.]

CHAP. XVII.

An Act in addition to an Act entitled “An Act to incorporate the Boston Gas Light Company.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Boston Gas Light Company are hereby authorized to increase their capital stock by an amount not exceeding one hundred and seventy-five thousand dollars; and to purchase and hold real estate in the county of Suffolk, as part and parcel of their capital, not exceeding one half of their whole capital as provided in this act, and in the act to which this is in addition.

SEC. 2. The Boston Gas Light Company shall be subject to all the duties, restrictions and liabilities, and shall have all the powers and privileges, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, March 11, 1836.]

CHAP. XVIII.

An Act in addition to "An Act to incorporate the Congregational Society in the town of Norton into a distinct parish ; and also to incorporate a committee of the said society for certain purposes," passed on the fourth day of March, in the year of our Lord one thousand seven hundred and eighty-three.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

The annual interest of the fund belonging to the "Congregational Parish in Norton" may be appropriated by the said parish towards the support of their minister, and for supplying the said parish with preaching, although the same may not be sufficient for the support of a minister, any thing contained in the act to which this is in addition notwithstanding.

[Approved by the Governor, March 11, 1836.]

CHAP. XIX.

An Act to incorporate the Whittenton Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Samuel A. Eliot, Charles A. Mills and Edmund Dwight, their associates, successors and assigns, are hereby made a manufacturing corporation, by the name of the Whittenton Mills, for the purpose of manufacturing cotton goods in the town of Taunton, in the county of Bristol ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold for the purpose aforesaid, real estate to the amount of one hundred thousand dollars, and personal estate to the amount of one hundred thousand dollars.

Estate.

[Approved by the Governor, March 11, 1836.]

CHAP. XX.

An Act to incorporate the Perkins Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. William Appleton, Augustus Thorndike and Henry Cabot, their associates, successors and assigns, are hereby made a manufacturing corporation by the name of the Perkins Mills, for the purpose of manufacturing cotton goods in the town of Springfield, in the county of Hampden, and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate not exceeding the amount of one hundred and twenty-five thousand dollars—and the whole capital stock of said corporation shall not exceed the amount of four hundred and fifty thousand dollars.

[Approved by the Governor, March 11, 1836.]

CHAP. XXI.

An Act in further addition to “An Act incorporating the Manufacturers’ Mutual Fire Insurance Company.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Manufacturers’ Mutual Fire Insurance Company is hereby authorized to insure for a term not exceeding one year, upon the same principles as those upon which they are now authorized to insure manufacturing establishments, public buildings, public hotels, stores, store-houses and property therein, all descriptions of goods, chattels and merchandize, and all buildings, except dwelling-houses, not connected with manufacturing establishments.

[Approved by the Governor, March 11, 1836.]

CHAP. XXII.

An Act to incorporate the Newburyport Steam Cotton Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Enoch S. Williams, Samuel T. De Ford and Richard Stone, their associates, successors and assigns, are hereby made a manufacturing corporation by the name of the Newburyport Steam Cotton Company, for the purpose of manufacturing cotton in the town of Newburyport, in the county of Essex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold real estate for the purposes aforesaid, to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, March 11, 1836.]

CHAP. XXIII.

An Act to incorporate the Boston Harbor Ice and
Tow Boat Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Seward Porter, and his associates, successors and assigns, are hereby made a corporation by the name of the Boston Harbor Ice and Tow Boat Company, for the purpose of keeping open a passage into, and out of Boston harbor, for ships and vessels, and preventing the same from being obstructed and blocked up by ice, and of towing vessels into and out of said harbor, and the neighboring harbors, and from place to place within the same, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Preserving the harbor from being obstructed by ice.

SEC. 2. Said corporation may hold for the above purposes, personal property to the amount of fifty thousand dollars, and real estate to the amount of five thousand dollars, and this act shall continue in force for the term of twenty years.

Estate.

[Approved by the Governor, March 12, 1836.]

CHAP. XXIV.

An act to provide for the engrossing of Resolves.

All resolves to be
engrossed on
parchment.

And to be bound.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all resolves, before they are passed, shall, under the direction of the secretary of the Commonwealth, be fairly engrossed on parchment, in a plain and legible hand writing, without interlineation, with a margin of not less than one and a half inch wide on each side, each sheet of parchment to be sixteen inches long and eleven inches wide ; and after every session of the legislature, the secretary shall cause the same to be neatly and strongly bound in one or more volumes of convenient size, lettered on the back with a designation of the contents and of the legislative year.

[Approved by the Governor, March 14, 1836.]

CHAP. XXV.

An Act to incorporate the Thorndike Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John S. Wright, Luther Parks, and Israel Thorndike, their associates, successors and assigns, are hereby made a manufacturing corporation, by the name of the Thorndike Company, for the purpose of manufacturing cotton, woollen, and silk goods, and machinery in the town of Palmer within the county of Hampden, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company may hold for the purposes aforesaid, real estate to the amount of two hundred and fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of five hundred thousand dollars.

Estate.

[Approved by the Governor, March 14, 1836.]

CHAP. XXVI.

An Act to incorporate the Dadmun Manufacturing Company.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Josiah How, William Graham and Samuel Dadmun, their associates, successors and assigns, are hereby made a manufacturing corporation by the name of the Dadmun Manufacturing Company, for the purpose of manufacturing woollen goods in the town of Templeton, within the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 14, 1836.]

CHAP. XXVII.

An Act to incorporate the Lanesborough Marble Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Algernon S. Hubbell, Abial Platt, Henry Mead, their associates, successors and assigns, are hereby made a corporation by the name of the Lanesborough Marble Company, for the purpose of digging, sawing, working, and transporting marble in the town of Lanesborough, within the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred thousand dollars.

Estate.

[Approved by the Governor, March 14, 1836.]

CHAP. XXVIII.

An Act to incorporate the Packet Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Zenas D. Bassett, George Lovell, Matthew Cobb, their associates and successors, are hereby made a corporation, by the name of the Packet Insurance Company, to be located in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses and losses by fire, in the customary manner, with all the privileges, and subject to all the duties and obligations set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, for and during the term of twenty years after the passing of this act.

Estate.

SEC. 2. Said corporation may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, that the real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or holden as collateral security for money due to said company.

Amount of capi-
tal stock.

SEC. 3. The capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the pres-

ident and directors of said company shall order and appoint.

[Approved by the Governor, March 14, 1836.]

CHAP. XXIX.

An Act to incorporate the Canton Hardware Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Jonathan Robinson, Joseph H. Hayward, Charles Leighton, their associates, successors and assigns, are hereby made a manufacturing corporation by the name of the Canton Hardware Company, for the purpose of manufacturing cutlery, hardware, and malleable iron, in Canton, within the county of Norfolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of sixty thousand dollars, and the whole capital stock of said company shall not exceed the amount of two hundred thousand dollars.

Estate.

[Approved by the Governor, March 14, 1836.]

CHAP. XXX.

An Act to incorporate the Massachusetts Silk Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Thomas G. Fessenden, George C. Barrett, and William H. Montague, their associates, successors and assigns, are hereby made a corporation by the name of the Massachusetts Silk Company, for the purpose of raising, reeling, throwing, and manufacturing silk in the town of Framingham in the county of Middlesex, and in the city of Boston in the county of Suffolk, and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, March 14, 1836.]

CHAP. XXXI.

An Act relating to the Merchants Insurance Company in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Merchants Insurance Company in Boston, are hereby authorized to invest a sum not exceeding one third of the capital stock of said company, in real estate, in the county of Suffolk.

SEC. 2. So much of the third section of the act of incorporation of said company, passed on the fifth day of December, in the year of our Lord one thousand eight hundred and sixteen, as restricts the choice of directors to stockholders, who are not directors in any other company carrying on the business of insurance, and also so much of the second section of the act in addition thereto, passed on the fourteenth day of March, in the year of our Lord one thousand eight hundred and thirty-three, as provides that no person who is a director, shall, while in the exercise of that office, subscribe any part of any stock, created under said act, are hereby repealed.

Certain provisions of previous acts repealed.

[Approved by the Governor, March 16, 1836.]

CHAP. XXXII.

An Act to incorporate the New England Silk Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Jonathan H. Cobb, George Gay, and Lemuel Blake, their associates, successors and assigns, are hereby made a manufacturing corporation, by the name of the New England Silk Company, for the purpose of growing and manufacturing Silk in the counties of Norfolk and Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year eighteen hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 16, 1836.]

CHAP. XXXIII.

An Act to incorporate the Framingham India Rubber Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. That Wm. K. Phipps, Dexter Heinmenway, and Isaac Stevens, their associates, successors and assigns, are hereby made a manufacturing corporation by the name of the Framingham India Rubber Company, for the purpose of manufacturing all articles consisting wholly or in part of India Rubber, in the town of Framingham, within the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company may hold for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said company shall not exceed the amount of seventy thousand dollars.

Estate.

[Approved by the Governor, March 16, 1836.]

CHAP. XXXIV.

An Act to incorporate the Van Deusenville Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Washington Adams, Julius Dresser, and John M. Seley, their associates, successors and assigns, are hereby made a manufacturing corporation by the name of the Van Deusenville Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Great Barrington in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of fifty thousand dollars.

[Approved by the Governor, March 16, 1836.]

CHAP. XXXV.

An Act to incorporate the Water Power India Rubber Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. George Bullard, Simon Whitney, and Winthrop E. Faulkner, their associates, successors and assigns are hereby made a manufacturing corporation by the name of the Water Power India Rubber Company, for the purpose of manufacturing all articles composed wholly or in part of India Rubber, and also various kinds of machinery, in the town of Framingham, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred and thirty thousand dollars.

[Approved by the Governor, March 16, 1836.]

CHAP. XXXVI.

An Act authorizing the Second Religious Society in Newbury to sell their Parsonage Lands.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Investment of
proceeds.

The Second Religious Society in Newbury, in the county of Essex, is hereby authorized to sell, and by their treasurer, or a committee specially appointed for that purpose, to pass deeds to convey all the right and interest of said society in and to about seven acres of land, lying on "the Plains" so called, in said Newbury, and also in and to two cow-rights in said Newbury,—the proceeds to be invested in such manner as the said society may direct, and the interest of such proceeds only, and no part of the principal, to be applied towards the support of the ministry in said society. *Provided*, that the minister or ministers of said society, for the time being, shall assent to the sale, and shall join in the deed or deeds of conveyance.

[Approved by the Governor, March 16, 1836.]

CHAP. XXXVII.

An Act establishing certain boundary lines between the City of Boston and the Town of Roxbury.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The following lines, which have been mutually Boundaries. agreed upon between the city of Boston and the town of Roxbury, shall hereafter constitute and be considered the boundary lines in the section to which they refer, between said city and said town, to wit: beginning at a stone monument on the southwesterly side of the Dyke that forms the southwesterly boundary of the Empty Basin, so called, from which point the centre of the steeple of Park street meeting house, in said city, bears north fifty-three degrees east, this line to run in this direction from the point above mentioned, about two hundred and ninety rods, until it strikes the centre of the main channel westerly of the Rope Walk lands in said city ; thence turning and running northerly in the centre of said channel, about one hundred and twenty-five rods, to a point two hundred feet distant, southerly from the main branch of the Mill Dam, or Western Avenue ; thence turning nearly at right angles, and running westerly nearly on a parallel line with said Mill Dam, until it strikes the branch thereof leading to Roxbury, at which point a stone monument has been erected. And the terri-

tory and jurisdiction on either side of the said lines as hereby established, are accordingly confirmed to said city and said town respectively.

[Approved by the Governor, March 16, 1836.]

CHAP. XXXVIII.

An Act to incorporate the Belchertown Classical School.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

Calvin Foote, Wright Bridgman, and Samuel Strong, their associates and successors, are hereby incorporated by the name of the Trustees of the Belchertown Classical School, to be established in Belchertown, in the county of Hampshire, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in chapter forty-fourth of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, and with power to hold real and personal estate to an amount not exceeding the sum of twenty thousand dollars, to be devoted exclusively to the purposes of education.

Estate.

[Approved by the Governor, March 16, 1836.]

CHAP. XXXIX.

An Act relative to the "Massachusetts Fire and Marine Insurance Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the capital stock of the Massachusetts Fire and Marine Insurance Company may be divided into three thousand shares, of one hundred dollars each, instead of eight thousand shares of thirty-seven and a half dollars each, as by law is now required.

[Approved by the Governor, March 21, 1836.]

CHAP. XL.

An Act for the better preservation of the growth of Wood and Timber, on a tract of woodland in the towns of Wenham and Hamilton.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. For the better preservation of the growth of the wood and timber, on a certain tract or parcel of woodland commonly known by the name of Wenham Great Swamp, and bounded as follows, viz: Be-

Boundaries of the
woodland.

ginning at Pleasant pond brook, commonly so called ; thence southerly by Pleasant pond, to land of Jacob Dodge ; westerly and northerly on land of said Dodge, to a meadow, known by the name of Wenham great meadow, to the nail maple, so called, near Ipswich river, in Topsfield ; thence to said river, and northerly by said river to land of Reuben Smith ; thence easterly by land of said Smith, and other adjacent proprietors, to Pleasant pond brook, aforementioned ; the proprietors of said lands, their heirs and assigns, are hereby incorporated and invested with all the powers and privileges which the proprietors of common and general fields by law are invested with.

Running at large
of cattle, &c.

SEC. 2. If any of the said proprietors, or any field driver, or hay-ward duly appointed by them, shall find any horse, or horse kind, neat cattle or sheep, going at large in said woodland, the owner or owners thereof shall forfeit and pay to the use of said proprietors, or field driver, or hay-ward, one dollar a head for neat cattle, and the same for each horse or horse kind, and thirty cents for each sheep so found going at large ; the same to be recovered as in cases of creatures taken damage feasant in any general and common field.

Fence to be erected.

SEC. 3. The said adjacent proprietors shall be severally entitled to have and hold all the fence now standing on the dividing line, between their respective closes and said swamp, and they shall severally be holden to make and maintain a legal and sufficient fence upon the whole of the line aforesaid, during the continuance of this act ; and at the expiration thereof, one half the fence on the line aforesaid shall revert to, and be holden by said proprietors ; and the said adjacent proprietors, severally, shall be entitled to demand and receive of the said

proprietors, at and after the rate of seventy cents for each and every rod of one half the fence on the dividing line aforesaid; and if the said proprietors shall fail, for the space of six months after the making and completing such fence, and due notice thereof given to their clerk, to pay the amount which may be due for such half of the fence, then the said adjacent proprietors, severally, shall be entitled to an action for the recovery thereof, in any court proper to try the same.

SEC. 4. This act shall continue and be in force for the term of thirty years.

[Approved by the Governor, March 21, 1836.]

CHAP. XLI.

An Act authorizing Registers of Probate to adjourn Courts of Probate in certain cases.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Whenever there shall be a vacancy in the office of judge of probate, in either of the counties in this State, by death, resignation, or otherwise ; or, whenever a judge of probate shall, for any cause, fail to attend a regular term of said court, the register of said court shall have authority to adjourn the same, from time to time, until all matters and things pending in said court, may be regularly adjudicated upon according to law.

[Approved by the Governor, March 21, 1836.]

CHAP. XLII.

An Act establishing the City of Salem.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Title and general powers.

SEC. 1. The inhabitants of the town of Salem, shall continue to be a body politic and corporate, under the name of the City of Salem, and as such, shall have, exercise, and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said town as a municipal corporation.

Government.

SEC. 2. The administration of all the fiscal, prudential and municipal affairs of said city with the government thereof, shall be vested in one principal officer, to be styled the Mayor, one council of six to be denominated the Board of Aldermen, and one council of twenty-four, to be denominated the Common Council ; which boards, in their joint capacity, shall be denominated the City Council, and shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business.

Wards.

SEC. 3. From and after the first Monday in March next, for the purpose of holding all elections, said city shall be divided into six wards, to contain as nearly as conveniently may be an equal number of inhabitants. And it shall be the duty of the city council, once in ten years and not oftener, to revise,

and if it be needful, to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of voters in each ward.

SEC. 4. On the Tuesday preceding the second Monday in March annually, there shall be chosen by ballot, in each of said wards, a warden and clerk, who shall hold their offices for one year, and until others shall have been chosen in their places. And it shall be the duty of such warden to preside at all ward meetings, with the powers of moderators of town meetings. And if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden pro tempore shall be chosen by ballot. And if at any meeting the clerk shall not be present, a clerk pro tempore shall be chosen by ballot. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office, all such records and journals, together with all other documents and papers held by him in said capacity. The inhabitants of each ward shall choose by ballot two persons to assist the warden in receiving, sorting and counting the votes. And the warden, clerk, and assistants so chosen shall respectively be under oath, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by any justice of the peace of said city. And all warrants for the meetings of the citizens for municipal purposes to be had either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed, and returned at such time, and in such manner, as the city council may, by any by-law, direct and appoint.

Wardens and clerks.

Their duties.

Warrants for meetings.

Mayor and city council how elected.

SEC. 5. The mayor and aldermen shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards, and four common council men shall be elected from each ward, being residents in the wards where elected ; all said officers shall be elected by ballot, and shall hold their offices one year from the second Monday in March, and until others shall be elected in their places.

Same subject.

SEC. 6. On the Tuesday next preceding the second Monday in March annually, immediately after a warden and clerk shall have been elected and sworn, the qualified voters in each ward shall give in their votes for a mayor, six aldermen, and four common council men : all the votes given for the said several officers respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record, in words at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected common council men, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election. *Provided, however,* that if the choice of common council men cannot conveniently be effected on that day, the meeting may be adjourned to another day, not more than two days thereafter, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards certified as aforesaid, and shall cause the person who shall have been elected mayor by a majority of the votes given in all the wards, to be notified in writing of his election ; but if it shall appear that no person

Certificates of election.

Organization of the two boards.

shall have been so elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election, and the same proceedings shall be had in all respects as are herein before directed for the choice of mayor, and repeated, from time to time, until a mayor shall be chosen; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term, by a new election in the manner herein before provided, for the choice of said officer. And if it shall appear that the whole number of aldermen shall not have been elected, the same proceedings shall be had, as are herein before directed in regard to the choice of mayor. And each alderman elected shall be notified in writing of his election, by the mayor and aldermen for the time being. The oath prescribed by this act, shall be administered to the mayor by the city clerk, or any justice of the peace in said city.—
The aldermen and common council men elect, shall, on the second Monday in March, at ten o'clock in the forenoon, meet in convention, when the oaths required by this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, and thereupon the two boards shall separate, and the board of common council shall be organized by the choice of a president and clerk. The board of aldermen may, in the absence of the mayor, choose a president pro tempore, who shall preside at joint meetings of the two boards. Each board shall keep a record of its proceedings, and judge the elections of its own members, and in case of failure of election, or of vacancy by death, resignation, or otherwise, may order new elections.

Proceedings in
case of failing to
elect a mayor,
&c.

Oaths of office,
&c.

Duties of the
mayor.

SEC. 7. The mayor thus chosen and qualified shall be the chief executive officer of said city. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violation or neglect of duty to be punished.— He may call special meetings of the board of aldermen and common council, or either of them, when, in his opinion, the interest of the city requires it, by causing a summons or notification to be left at the usual dwelling place of each member of the board or boards to be convened. He shall, from time to time, communicate to both of them such information, and recommend such measures, as the business and interest of the city may in his opinion require. He shall preside in the board of aldermen, and in joint meetings of the two boards, but shall have only a casting vote. He shall be compensated for his services by a salary, to be fixed by the city council, payable at stated periods, and shall receive therefor no other compensation, but such compensation shall not be increased nor diminished during his continuance in office.

Compensation.

City marshal.

SEC. 8. The executive powers of said city generally, and the administration of police, with all the powers heretofore vested in the selectmen of Salem, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated.— And the said mayor and aldermen shall have full and exclusive power to appoint a city marshal and assistants, and a constable or constables, and all other police officers ; and may remove the same when in their opinion sufficient cause for removal exists.— And the said mayor and aldermen shall have full

and exclusive power to grant licenses to inn-holders, Licenses. victuallers and retailers within said city, in as full and ample a manner as the mayor and aldermen of the city of Boston have authority to grant licenses in said city of Boston, by virtue of "an Act for the due regulation of licensed houses." All other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. But the city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, the overseers of the poor, school committee, city treasurer and collector, firewards, city clerk, assessors and assistant assessors, and shall, in such manner as said city council shall determine by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties, and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of this Commonwealth. All sittings of the common council shall be public, and all sittings of the mayor and aldermen, when they are not engaged in executive business. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated ; shall secure a just and prompt accountability, by requiring bonds with sufficient penalty and sureties from all persons trusted with the receipt, custody, or disbursement of money ; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold, except the common, and to

City council to elect overseers of the poor, school committee, &c.

Sittings to be public.

Bonds.

Expenditures to
be published an-
nually.

purchase property real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it. And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

Mayor to nomi-
nate, &c.

Provisos.

SEC. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, such nomination, however, being subject to be confirmed or rejected by the board of aldermen. *Provided, however,* that no person shall be eligible to any office, the salary of which is payable out of the city treasury, who, at the time of his appointment, shall be a member either of the board of aldermen or common council. And neither the mayor, nor any aldermen, or member of the common council, shall, at the same time, hold any other office, under the city government. *Provided, however,* that the mayor and president of the common council shall be, ex officio, members of the school committee; *and provided further,* that said mayor and aldermen, and one common councilman from each ward shall be overseers of the poor, if said city council shall so determine.

City clerk.

SEC. 10. Said city council shall have power to choose a city clerk, who shall be clerk of the board of aldermen. He shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Salem.

Assessors.

SEC. 11. The city assessors, who shall be annually chosen by the city council, shall exercise the

same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in the Commonwealth may exercise, or be subject to, under existing laws. And the city council shall appoint two persons in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in their several wards, and who shall be sworn to the faithful performance of their duty. All taxes Taxes. shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth. *Provided, however,* that the city council may establish further or additional provisions for the collection thereof.

SEC. 12. The city council shall have exclusive authority and power to lay out any new street or town way, or widen or otherwise alter or discontinue any street or town way in said city, and to estimate the damages any individual may sustain thereby; and all questions relating to the subject of laying out, widening, altering, or discontinuing any street, shall be first acted upon by the mayor and aldermen. And any person, aggrieved by the decision or judgment of said city council, may, so far as relates to damages, make complaint to the next meeting of county commissioners, in the county of Essex, who are hereby empowered to hear and determine the same by a jury, or by a committee, if the parties agree, in the manner authorized by "an act to establish county commissioners, and to repeal the several acts establishing the court of sessions, and in addition thereto, and the act establishing commissioners of highways," where a party claims greater damages than are awarded by said commissioners. Laying out of streets. Recovery of damages.

SEC. 13. All the power and authority now by Health commissioners.

law vested in the board of health for the town of Salem, shall be transferred to, and vested in, said city council, to be carried into execution by the appointment of health commissioners, or in such other manner as the said city council may deem expedient.

Number of representatives.

SEC. 14. It shall be the duty of the city council, in the month of October, annually, to meet in convention, and determine the number of representatives to be sent to the general court by said city, in such year, and to publish such determination, which shall be conclusive, and the number thus determined shall be specified in the warrant calling a meeting for the election of representatives.

Election of state officers, &c.

SEC. 15. All elections for county, state, and United States officers, who are to be voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively. And at such meetings, all the votes given for said several officers respectively, shall be sorted, counted, declared, and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns.

Returns of votes, and certificates.

And the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed

to be made by the selectmen of towns, and such certificates and returns shall have the same force and effect as like returns of similar elections made by the selectmen of towns. And in all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, and the same proceedings shall be had as are herein before directed, until the whole number shall be elected.

SEC. 16. Prior to every election, the said mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen and assessors of towns are required to make out lists of voters, and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the aid and assistance of all assessors, assistant assessors, and other officers of said city, and they shall deliver said lists so prepared and corrected, to the clerk of said ward, to be used at such elections; and no person shall be entitled to vote, whose name is not borne on such list. And to prevent fraud and mistake, a mark shall be placed against the name of each voter on such list at the time of giving his vote.

Ward lists of voters.

SEC. 17. General meetings of the citizens, qualified to vote, may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may and shall be duly warned, by the mayor and aldermen, upon the requisition of thirty qualified voters of said city.

General meetings.

Wards.

SEC. 18. It shall be the duty of the city council, seasonably before the Tuesday next preceding the second Monday in March next, to cause a division of said city to be made into six wards, in such a manner as to include, as nearly as conveniently may be, with well defined limits to each ward, an equal number of inhabitants in each ward. And the present division of said town into wards shall continue, and all ward meetings, and all elections, shall be held in them, until the meetings for the election of city officers in March next.

Proceedings in the first election, and organization of the city government.

SEC. 19. For the purpose of organizing the system of government, hereby established, and putting the same into operation in the first instance, the selectmen of the town, for the time being, shall seasonably before the fourth Monday in April next, issue their warrants for calling meetings of the said citizens, at such place and hour as they shall deem expedient, for the purpose of choosing a warden and clerk for each ward, and also to give in their votes for a mayor and six aldermen, to be taken from the city at large, and six common council men for each ward, and the transcripts of the records of each ward, specifying the votes given for a mayor, six aldermen, and six common council men, certified by the warden and clerk of each ward, shall at said first election be returned to the said selectmen, whose duty it shall be to examine and compare the same. And in case said elections shall not be completed at the first election, then to issue a new warrant until such elections shall be completed, and to give notice thereof in the manner herein before directed to the several persons elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order and preside until a warden

shall have been chosen. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen of the town of Salem, for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before directed. And it shall be the duty of the city council, immediately after their first organization, to elect all necessary city officers, who shall hold their offices respectively, until the second Monday in March then next, and until others are chosen. And the meetings in March next, for the election of ward and city officers, shall be called by said mayor and aldermen, at such time and places, and in such manner as they shall direct. And at the said first meeting, the said inhabitants may and shall also give in their votes for county officers, which votes shall be recorded, certified and returned in the manner provided in the fifteenth section of this act.

SEC. 20. The city council shall have power to make all such salutary and needful by-laws, as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, or other authority whatever: *provided, however*, that all laws and regulations now in force in said town of Salem, shall, notwithstanding this act, be and remain in force, until they shall expire by their own limitation, or be revised or repealed by the city council, and all fines and forfeitures for the breach of any by-law, shall be paid into the city treasury.

By-laws and penalties.

SEC. 21. The police court of the town of Salem, in addition to its present powers and jurisdiction,

Police court.

which are hereby continued to it, shall have cognizance of all offences against the by-laws and regulations, which may be established by the city council of the city of Salem, and may, on conviction thereof, award such sentence as to law and justice may appertain. And any person aggrieved by such sentence may appeal therefrom to the court of common pleas for the county of Essex, under the restrictions and conditions, provided by law in other cases of appeal from said court.

Present town officers, &c.

SEC. 22. The annual town meetings, in the month of March or April, shall be suspended, and all town officers now in office shall hold their places until this act shall go into operation, or until fourteen days after the same shall have been rejected by the inhabitants of said town; and in case said charter should be rejected by said inhabitants, the selectmen shall have authority, within fourteen days after such rejection, to call a meeting of said inhabitants, for the choice of town and county officers.

SEC. 23. All such acts and parts of acts as come within the pervieu of this act, and are inconsistent with, or repugnant to, the provisions of this act, shall be, and the same are, hereby repealed.

SEC. 24. Nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same whenever they shall deem it expedient.

SEC. 25. This act, except the twenty-second section, shall be void, unless the inhabitants of the town of Salem, at a legal town meeting called for that purpose, shall by a written vote determine to adopt the same within fourteen days.

[Approved by the Governor, March 23, 1836.]

CHAP. XLIII.

An Act to incorporate the Suffolk Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Nehemiah P. Mann, Elisha Howes, and David Nickerson, their associates and successors, are hereby made a corporation by the name of the Suffolk Mutual Fire Insurance Company, in the city of Boston, in the county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, for the term of twenty-eight years.

Persons incorporated.

[Approved by the Governor, March 23, 1836.]

CHAP. XLIV.

An Act authorizing John Holmes to extend his Wharf in the town of Tisbury, and to build a Marine Railway in the harbor of Holmes Hole, in said town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be
extended 300
feet.

John Holmes, of Tisbury, is hereby authorized to extend his wharf from his own land (the same now being twenty-two feet in width) in the same direction and width that it now is, three hundred feet further into the harbor, to terminate with a T seventy-five feet in length at the end, with liberty to build a Marine Railway seventy-five feet wide, to extend the whole length of said wharf, four hundred feet from the shore on his own land : *Provided*, that this grant shall in no wise interfere with the legal rights of any other person or persons whatsoever.

[Approved by the Governor, March 23, 1836.]

CHAP. XLV.

An Act to incorporate the Charles River Wharf Company in the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Edward A. Raymond, John Hews, and Samuel Curtis, their associates and successors, are hereby made a corporation by the name of the Charles River Wharf Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, with power to hold real estate to the amount of two hundred thousand dollars; and the whole capital stock of said company shall not exceed two hundred and twenty thousand dollars, and shall be divided into shares of one hundred dollars each.

Persons incorporated.

Estate.

SEC. 2. Said corporation may purchase, and hold in fee simple, or otherwise, any part or all of a certain tract of land and flats, situated in said Boston, lying upon the northwesterly side of Brighton-Street, between Leverett Street or Canal Bridge and Poplar Street, and extending northwesterly from said Brighton street to the channel, or low water mark, may fill up said flats, build wharves, store-houses and other buildings, on said land, and make other improvements thereon; *provided*, that said corpora-

May purchase lands and flats.

tion shall not so use or improve its corporate property as to encroach upon, or in any way affect the legal rights of any person or other corporation whatever.

[Approved by the Governor, March 23, 1836.]

CHAP. XLVI.

An Act to incorporate the Proprietors of the Taunton Cemetery.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. George B. Atwood, Samuel B. King, and Samuel O. Dunbar, together with such other persons as shall become proprietors of lots in the Cemetery in Taunton, in the county of Bristol, their successors and assigns, are hereby made a corporation by the name of the Proprietors of the Taunton Cemetery ; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

May take a deed
of gift.

SEC. 2. The said corporation may take a deed of gift in fee simple, of a certain lot of land in said Taunton from the honourable Samuel Crocker, and hold the same, and take and hold any other lands adjacent thereto, in fee simple, not exceeding twenty

acres, in addition to the said lot, for the purposes hereinafter provided, and may also take and hold any personal estate, not exceeding in value ten thousand dollars, to be applied to the purposes connected with, and appropriate to the object of said establishment.

Estate.

SEC. 3. The said corporation shall take and hold the land aforesaid, at and for a rural cemetery or burying ground, and for the erection of tombs, cenotaphs or other monuments, for, or in memory of the dead ; and for this purpose shall have power to lay out the same in suitable lots or other subdivisions, for family or other burying places, and to plant and embellish the same with shrubbery, flowers, trees, walks, and other rural ornaments, and enclose and divide the same, with proper walls and enclosures, and to make and annex thereto, other suitable appendages, as the corporation shall, from time to time, deem expedient ; and the said real estate shall be forever held by said corporation, for such purposes, and for none other ; and said corporation shall have authority to grant and to convey to any person or persons, the sole and exclusive right of burial, and of erecting tombs, and cenotaphs, and any other ornaments, in any such designated lots and subdivisions, upon such terms and conditions, and subject to such regulations as the said corporation shall by their laws prescribe ; and any right so granted and conveyed, shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution.

Powers of the corporation.

SEC. 4. All persons who shall hereafter become proprietors of lots in said cemetery of a size not less each than two hundred square feet, shall thereby become members of said corporation, and the said

Cemetery exempt, &c. from taxes.

cemetery is hereby declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

SEC. 5. All the provisions contained in the seventh, eighth, and ninth sections of the Act of March thirty-first, in the year one thousand eight hundred and thirty-five, to incorporate the proprietors of the Cemetery of Mount Auburn, in the county of Middlesex, shall apply to, and have effect as to the Taunton Cemetery in the county of Bristol.

[Approved by the Governor, March 23, 1836.]

CHAP. XLVII.

An Act to incorporate the Hingham Malleable Iron Company.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Robert Burr, Joseph R. Newell, and William Whittemore, their associates and successors, are hereby made a manufacturing corporation by the name of the Hingham Malleable Iron Company, for the purpose of manufacturing and converting cast iron into malleable iron, in the town of Hingham, within the county of Plymouth, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of

November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said company may hold, for the ^{Estate.} purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. XLVIII.

An Act to incorporate the Blackstone Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Ebenezer Smith, Samuel E. Robbins, ^{Persons incorpo-} and John F. Trull, their associates and successors, ^{rated.} are hereby made a corporation by the name of the Blackstone Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses, and insurance against losses by fire, in the customary manner, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, for the term of twenty years after the passing of this Act.

Estate.

SEC. 2. The said corporation may hold any estate, real or personal, for the use of said company: *Provided*, that the real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 3. The capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint.

[Approved by the Governor, March 23, 1836.]

CHAP. XLIX.

An Act to incorporate the Sturbridge Cotton Mills.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Charles Everett, William Fisk, Henry B. Mather, and their associates and successors, are hereby made a manufacturing corporation by the name of the "Sturbridge Cotton Mills," for the purpose of manufacturing cotton and wool in the town of Sturbridge, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth

chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the Estate. purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. L.

An Act to establish a Fire Department in the town of Lynn.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The selectmen of the town of Lynn are authorized, and it shall be their duty, in the month of April in each year, to appoint as many engineers for their fire department as they may think expedient : Number of engineers. *provided* such number so appointed shall not exceed twelve, who shall hold their offices for one year from and after the first day of May next succeeding, and until others are appointed in their places. The said selectmen are authorized and required to fill any vacancies in the said office of engineer, and the said engineers shall possess the same authority and exercise the same powers in relation to the extinguishment of fires, as firewards do by law possess and exercise.

Chief engineer.

SEC. 2. The said selectmen, immediately after the appointment of said engineers shall have been made, shall issue a warrant to one of their number, requiring him to notify a meeting of the board of engineers, at such time and place as shall be designated in such warrant, at which meeting the said engineers shall elect from their number a chief engineer, a clerk, and such other officers as they may deem necessary for their more complete organization.

Duties.

SEC. 3. The said engineers are hereby authorized and required to exercise all the powers, and perform all the duties in relation to the nomination and appointment of engine-men, which the selectmen of said town have been heretofore by law authorized and required to exercise and perform; and said engineers, and all persons appointed by them pursuant to this act, shall be subject to the same duties, and entitled to the same privileges and exemptions as engine-men are subjected and entitled to, when appointed by the selectmen: *provided, however,* that they shall not be exempted from military duty, unless they shall produce to the commanding officer of the company, within whose bounds they reside, in the month of May, in each year, certificates of their appointment, signed by the chief engineer, or by the clerk of the board of engineers.

Certificates of
enginemen.Number of men
to each engine,
&c.

SEC. 4. The said engineers are authorized and empowered to appoint such number of men to the engines, hose, hook and ladder carriages, and to constitute a company for the securing of property when endangered by fire, as they shall think expedient: *provided,* that the number of men appointed to each and every hydraulion or engine with suction hose, shall not exceed fifty men; to each common

engine, thirty-five men ; to each hose carriage, ten men ; to the hook, sail, and ladder carriages, thirty-five men ; to the fire company, twenty-five men ; also to appoint three men as assistant engineers, who shall exercise such supervising control and authority relative to the operations for extinguishing fires, and to the inspection and preservation of the fire apparatus belonging to said town, as the board of engineers may from time to time delegate to them ; and the said engine, hose, hook, sail, and ladder carriage men, and fire company are authorized to organize themselves into distinct companies, to elect captains, clerks, and other necessary officers, to establish such rules and regulations as may be approved by the board of engineers, and to annex penalties to the breach of the same, which may be sued for and recovered, by the clerk of any company so organized, before any court of competent jurisdiction, to be appropriated to the use of such company : *provided*, that no penalty shall exceed the sum of ten dollars ; and *provided further*, that such rules and regulations be not repugnant to the constitution and laws of this Commonwealth.

Engine companies, &c. may make by-laws.

SEC. 5. The said board of engineers shall have the care and superintendence of the public engines, hose, fire-hooks, sails, ladder carriages, and ladders, together with the buildings, fixtures and appendages thereto belonging, and all pumps, reservoirs for water, and all apparatus owned by the town of Lynn, and used for extinguishing fires, and shall cause the same to be kept in repair, and when worn out, to be replaced, and from time to time shall make such alterations therein and additions thereto, as they shall deem necessary : *provided* such alterations, additions or repairs, shall not exceed in any one year the sum

Powers of engineers.

of three hundred dollars, unless said town of Lynn shall have authorized a larger appropriation.

Same subject.

SEC. 6. The said board of engineers, at any meeting thereof, may establish such rules and ordinances as they may judge proper, to prohibit or regulate the carrying of fire, firebrands, lighted matches, or any other ignited materials openly, in the streets or thoroughfares of said town, or in such parts thereof as they may designate, and to prohibit any owners or occupants of any building within said town, or such parts thereof as such board may designate, from erecting or maintaining any defective chimney, hearth, oven, stove or stove pipe, fire frame, or other fixture, deposit of ashes, or any mixture or other material which may produce spontaneous combustion, or whatever else may give just cause of alarm, or may be the means of kindling or spreading fires. And the said board of engineers may also, from time to time, make and ordain rules and regulations for their own government, and for the conduct of citizens present at any fire, and may annex penalties for the breach of any rule, regulation or ordinance, which they may have deemed expedient to make, not exceeding twenty dollars for any one breach thereof; and the same may be prosecuted for, and recovered by the chief engineer, in his own name, before any court of competent jurisdiction; and all penalties so recovered shall be appropriated by said engineers to the improvement of the fire apparatus of said town: *provided* such rules, regulations, and ordinances, shall not be repugnant to the constitution and laws of the Commonwealth, and shall not be binding until the same shall have been approved by the inhabitants of said town in legal town meeting held for that purpose, and published in some newspaper printed in said town of Lynn.

Penalties.

Proviso.

SEC. 7. All laws inconsistent with the provisions of this act are hereby repealed, so far as they may apply to said town of Lynn, and the provisions of this act shall not take effect until the same shall have been accepted by a majority of the inhabitants of said town qualified to vote in town affairs, at a meeting legally notified for that purpose, and shall continue in force until modified or repealed by the legislature of this Commonwealth.

Conditional
clause.

[Approved by the Governor, March 23, 1836.]

CHAP. LI.

An Act to incorporate the Mansfield Mining Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Charles Ellis, Ephraim Harrington, and Joseph Willard, with their associates and successors, are hereby made a corporation, by the name of the "Mansfield Mining Company," for the purpose of digging and mining for coals and other minerals in the counties of Bristol and Norfolk, and for converting the same to useful purposes, with all the powers and privileges, and subject to all the liabilities contained in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorpo-
rated.

Estate.

SEC. 2. The said corporation may hold such real estate, not exceeding sixty thousand dollars in value, and such personal estate, not exceeding forty thousand dollars in value, as may be necessary to carry into effect the objects aforesaid.

[Approved by the Governor, March 23, 1836.]

CHAP. LII.

An Act to incorporate the Sunderland Steam Mill Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. William Delano, Horatio Graves, and Austin Smith, their associates and successors, are hereby made a corporation, by the name of Sunderland Steam Mill Company, for the purpose of erecting and putting in operation steam power, to be used for the grinding of grain, and for other mechanical uses, in the town of Sunderland, within the county of Franklin, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of ten

thousand dollars, and the whole capital stock of said company shall not exceed the amount of twenty thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. LIII.

An Act to incorporate the Northampton Silk Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Samuel Whitmarsh, Christopher Hubbard, and William Clark, Jr., their associates and successors, are hereby made a corporation, by the name of the Northampton Silk Company, for the purpose of carrying on the business of the culture and manufacture of silk, in all its branches, in the town of Northampton; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and personal estate to the amount of one hundred thousand dollars; and the

Estate.

whole capital stock of said company shall not exceed two hundred thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. LIV.

An Act to incorporate the Berkshire Woollen Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. John C. Russell, Asa C. Russell, and Ralph P. Russell, their associates and successors, are hereby made a manufacturing corporation, by the name of the Berkshire Woollen Company, for the purpose of manufacturing woollen goods, in the town of Great Barrington, within the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of ten thousand dollars, and the whole capital stock of said company shall not exceed the amount of twenty-five thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. LV.

An Act to incorporate the New-England Worsted Company.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. George Bond, Samuel Whitwell and H. Rogers Kendall, their associates and successors, are hereby made a corporation, by the name of the "New-England Worsted Company," for the purpose of preparing wool and other fibrous substances, and for making the same into yarn, cloth, and other articles, and also for the purpose of manufacturing machinery, in the counties of Middlesex and Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five. Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of five hundred thousand dollars. Estate.

[Approved by the Governor, March 23, 1836.]

CHAP. LVI.

An act to regulate the Alewive Fishery in the town of Wellfleet.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Selectmen to prescribe time and places.

SEC. 1. The selectmen of the town of Wellfleet, for the time being, may, in the month of March or April annually, prescribe the time, place or places, and manner of taking alewives, in the creeks and brooks in the town of Wellfleet, such time not to exceed four days in a week, and they may appoint some suitable person to take the same, or they may sell the right to take said fish as they think best, and shall fix the compensation therefor.

May keep the streams free of obstructions.

SEC. 2. Said selectmen may cause the natural courses of the streams through which said fish pass, to be kept open and free of obstructions, and, for that purpose, as well as for other purposes of this act, may go upon the land or meadow of any person through which said streams run, without being deemed trespassers, and if any person molest the said selectmen, or either of them in the execution of his or their duties under this act, or shall obstruct the passage of said fish, the person so offending, shall forfeit and pay a fine for every offence, not exceeding twenty, nor less than ten dollars, upon conviction thereof before any justice of the peace, in the county of Barnstable, not an inhabitant of said town of Wellfleet.

SEC. 3. If any person shall take any of the fish Penalty.
aforesaid in the creeks or brooks or ponds in which
said fish cast their spawn, at any time or in any
place or manner, other than shall be allowed by said
selectmen as aforesaid, each person so offending, for
each and every offence on conviction thereof, shall
pay a fine not exceeding twenty dollars.

SEC. 4. The inhabitants of said town, at their Quantity of fish
for each family
and price.
annual meeting, shall determine the quantity of said
fish, each family in said town shall receive, and es-
tablish the price they shall pay therefor.

SEC. 5. All persons not otherwise disqualified, Witnesses.
shall be taken to be competent and legal witnesses
in any prosecution upon this act, they being inhabi-
tants of said town of Wellfleet notwithstanding.

SEC. 6. All the forfeitures incurred by virtue of Distribution of
forfeitures.
this act, shall be two thirds to the use of said town
of Wellfleet, and one third to the person or persons
giving information, to be recovered in an action of
debt, in any court proper to try the same, to be
brought by the treasurer thereof.

SEC. 7. All laws heretofore made regulating the
alewife fishery in said town of Wellfleet are hereby
repealed.

[Approved by the Governor, March 23, 1836.]

CHAP. LVII.

An Act to change the name of the "Beverly Charitable Society."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The "Beverly Charitable Society," incorporated the first day of March, in the year one thousand eight hundred and nine, are hereby authorized to take the name of the "Fisher Charitable Society," and shall be entitled to all the powers and privileges, and subject to all the restrictions contained in their original act of incorporation.

[Approved by the Governor, March 23, 1836.]

CHAP. LVIII.

An Act to incorporate the Newburyport Linnean Society.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Abraham Perkins, Moses Merrill, John Huse, their associates and successors, are hereby made a corporation, by the name of the Newburyport

Linnean Society, for the purpose of collecting and preserving materials for the civil and natural history of the county of Essex, in the town of Newburyport, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities set forth in the forty-fourth chapter of the Revised Statutes, and for Estate. the purpose aforesaid may hold real estate not exceeding in value the sum of five thousand dollars, and personal estate not exceeding the sum of ten thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. LIX.

An Act to incorporate the Holden Mill Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Oliver Eldredge, Josiah Nickerson, and Persons incorpo-
rated. James Lees, their associates and successors, are hereby made a manufacturing corporation, by the name of the Holden Mill Company, for the purpose of manufacturing cotton and woollen goods, in the town of Holden, within the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the Estate.

purposes aforesaid, real estate to the amount of twenty thousand dollars, and personal estate to the amount of fifty thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. LX.

An Act to incorporate the Boston Silk Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Henry Rice, James C. Dunn, Henry Upham, and their associates and successors, are hereby made a manufacturing corporation, by the name of "the Boston Silk Manufacturing Company," for the purpose of manufacturing silk, and silk and cotton goods, within the county of Suffolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. LXI.

An Act to incorporate the Salem India Rubber Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John Winn, Larkin Thorndike, and Joseph G. Waters, their associates and successors, are hereby made a manufacturing corporation, by the name of the Salem India Rubber Company for the purpose of manufacturing India rubber cloth, leather, clothing and other fabricks and articles composed wholly or in part of India rubber, in the town of Salem within the county of Essex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred and fifty thousand dollars.

Estate.

[Approved by the Governor, March 23, 1836.]

CHAP. LXII.

An Act to incorporate the Marlborough Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

Abraham Howe, Solomon Weeks, and Nicholson B. Procter, their associates and successors, are hereby made a corporation, by the name of the Marlborough Mutual Fire Insurance Company, in the town of Marlborough in the county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, for the term of twenty-eight years.

[Approved by the Governor, March 23, 1836.]

CHAP. LXIII.

An Act authorizing School District number Two in Newbury to sell lands, called the "Atkinson Donation."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. School district number two in the town of Newbury, is hereby authorized to sell and convey by deed, the whole or any part of the lands lying in Newbury and Salisbury, which were devised to said district by the last will and testament of Moses Atkinson, late of said Newbury, deceased.

SEC. 2. The proceeds of such sales shall be invested in such manner as said district may direct, and the annual income thereof, only, applied to the support of schools therein : *provided, however,* that the funds shall ever be under the direction of a committee chosen by the qualified voters of said district annually, and shall be subject to the same liabilities and contingencies to which said lands would be liable by the provisions contained in said will, in case of a division of said school district, or a neglect to appropriate the income thereof to the use of schools.

Investment of
proceeds.

SEC. 3. The inhabitants of said school district, may, at any meeting legally called for that purpose, choose a committee to make sale of the whole, or any part of said lands in such way and manner as

may be thought for the benefit of said district, and the committee thus chosen, shall have authority to execute and deliver deeds accordingly.

[Approved by the Governor, March 23, 1836.]

CHAP. LXIV.

An Act to incorporate the Charlestown Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Charles Thompson, James Bird jr. and William Wyman, their associates and successors, are hereby made a corporation, by the name of the Charlestown Mutual Fire Insurance Company, in the town of Charlestown, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, for the term of twenty-eight years.

[Approved by the Governor, March 23, 1836.]

CHAP. LXV.

An Act to incorporate the “ Hinsdale Manufacturing Company.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Frederick Curtiss, D. M. Hinsdale, and William Hinsdale, their associates and successors, are hereby made a manufacturing corporation, by the name of the “ Hinsdale Manufacturing Company,” for the purpose of manufacturing cotton and wool, in the town of Hinsdale, in the county of Berkshire ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorpo-
rated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of forty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

Estate.

[Approved by the Governor, March 23, 1836.]

CHAP. LXVI.

An Act in addition to an Act to incorporate the
Warren Iron and Steel Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The act establishing the Warren Iron and Steel Company is so far altered, as to enable said company to exercise their corporate franchise in the counties of Suffolk and Norfolk.

SEC. 2. The said Warren Iron and Steel Company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, March 23, 1836.]

CHAP. LXVII.

An Act to incorporate the "Ashuelot Manufacturing Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Henry Marsh, G. D. Weston, Walter Tracy, and their associates and successors, are hereby made a manufacturing corporation, by the name of the "Ashuelot Manufacturing Company," for the purpose of manufacturing cotton and wool in the town of Dalton, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and twenty thousand dollars.

Estate.

[Approved by the Governor, March 23, 1836.]

CHAP. LXVIII.

An Act to incorporate the Berkshire Iron Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Charles Wood, John Adriance, and W. S. Stevens, their associates, successors and assigns, are hereby made a manufacturing corporation, by the name of the Berkshire Iron Company, for the purpose of manufacturing iron in the town of Great Barrington, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred and ten thousand dollars.

[Approved by the Governor, March 23, 1836.]

CHAP. LXIX.

An Act to incorporate the Newburyport Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. John Merrill, Philip Johnson, and Samuel Pettingell, their associates and successors, are hereby made a corporation, by the name of the Newburyport Insurance Company, to be located in Newburyport, for the purpose of making maritime loans, and insurance against maritime losses, and losses by fire, in the customary manner, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, for the term of twenty years from the passing of this act.

Persons incorporated.

SEC. 2. The said corporation may hold any estate, real or personal, for the use of said company ; *provided*, that the real estate shall not exceed the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due said company.

Estate.

SEC. 3. The capital stock of said company shall be seventy-five thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and un-

der such penalties, as the president and directors of said company shall order and appoint.

Restriction on
any one risk.

SEC. 4. The said company shall be empowered to commence their business when one half of said capital stock shall have been paid in, being restricted to eight per centum on any one risk ; *provided, however,* that the whole amount of seventy-five thousand dollars shall be paid in within one year from the passing of this act.

[Approved by the Governor, March 25, 1836.]

CHAP. LXX.

An Act to incorporate the Newburyport Silk Company.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Hector Coffin, William Bartlett, John Porter, their associates and successors, are hereby made a corporation, by the name of the Newburyport Silk Company, for the purpose of carrying on the business of the culture and manufacture of silk, in all its branches in the towns of Newburyport, Newbury and West Newbury, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said company may hold, for the pur- Estate.
poses aforesaid, real estate to the amount of forty
thousand dollars, and personal estate to the amount
of sixty thousand dollars; and the whole capital
stock of said company shall not exceed one hundred
thousand dollars.

[Approved by the Governor, March 25, 1836.]

CHAP. LXXI.

An Act to incorporate the Winchendon Manufactur- ing Company.

BE *it enacted by the Senate and House of
Representatives in General Court assembled, and
by the authority of the same, as follows :*

SEC. 1. Elisha Parks and Thomas Lord, their Persons incorpo-
rated.
associates and successors, are hereby made a manu-
facturing corporation, by the name of the Winchen-
don Manufacturing Company, for the purpose of
manufacturing woollen goods in the town of Win-
chendon, within the county of Worcester, and for
this purpose shall have all the powers and privileges,
and be subject to all the duties, restrictions and lia-
bilities set forth in the thirty-eighth and forty-
fourth chapters of the Revised Statutes, passed on
the fourth day of November, in the year one thou-
sand eight hundred and thirty-five.

SEC. 2. The said company may hold, for the pur- Estate.
poses aforesaid, real estate to the amount of twen-
ty-five thousand dollars, and the whole capital stock

of said company shall not exceed the amount of seventy-five thousand dollars.

[Approved by the Governor, March 25, 1836.]

CHAP. LXXII.

An Act to incorporate the Munroe Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Luther Parks, Israel Thorndike, and John S. Wright, their associates and successors, are hereby made a manufacturing corporation, by the name of "The Munroe Company," for the purpose of manufacturing woollen, cotton and silk goods and machinery, in the towns of Palmer and Belchertown, within the counties of Hampden and Hampshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of two hundred and fifty thousand dollars, and the whole capital stock of the company, shall not exceed the amount of five hundred and fifty thousand dollars.

[Approved by the Governor, March 28, 1836.]

CHAP. LXXIII.

An Act to authorize the First Congregational Parish
in Duxbury to sell their Ministerial Lands.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The First Congregational Parish in Duxbury is hereby authorized by their treasurer for the time being, or by a committee appointed for the purpose, to sell, either at public or private sale, as the parish shall think best, and to pass deeds to convey, all the ministerial lands belonging to said parish, the proceeds thereof to be safely invested in such manner as the parish shall direct, the annual income of such proceeds, and no part of the principal sum, to be applied forever to the support of the ministry in said parish : *provided*, that the minister or ministers of said parish, for the time being, shall concur with the parish in making such sale, and shall join in the deed or deeds of conveyance.

Proceeds to be
invested.

[Approved by the Governor, March 28, 1836.]

CHAP. LXXIV.

An Act to incorporate the Boston and Roxbury
Patent Leather and Cloth Company.

BE *it enacted by the Senate and House of
Representatives, in General Court assembled, and by
the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. John Haskins, Josiah Pierce, Otis Rich,
and their associates and successors, are hereby made
a manufacturing corporation, by the name of the
“Boston and Roxbury Patent Leather and Cloth
Company,” for the purpose of carrying on the busi-
ness of manufacturing patent leather, and patent
japanned cloth, and other japanned articles, in the
town of Roxbury, and for this purpose shall have all
the powers and privileges, and be subject to all the
duties, restrictions, and liabilities set forth in the
thirty-eighth and forty-fourth chapters of the Revised
Statutes, passed on the fourth day of November, in
the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the
purposes aforesaid, real estate to the amount of
twenty-five thousand dollars, and the whole capital
stock of said corporation shall not exceed seventy-
five thousand dollars.

[Approved by the Governor, March 28, 1836.]

CHAP. LXXV.

An Act to incorporate the Brown Woollen Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Arthur French, Edward H. Robbins, Persons incorporated. and John S. Wright, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Brown Woollen Mills," for the purpose of manufacturing cotton and wool, in the town of Millbury, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the Estate. purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, March 28, 1836.]

CHAP. LXXVI.

An Act to increase the Capital Stock of the Naumkeag Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Naumkeag Bank, are hereby authorized to increase their present capital stock, by an addition of three hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments, as the president and directors of said bank may direct and determine : *provided*, that the whole amount shall be paid on or before the first day of October next.

When to be paid
in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before the said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid in to said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXVII.

An Act to increase the Capital Stock of the Warren Bank in Danvers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Warren Bank in Danvers are hereby authorized to increase their present capital stock, by an addition thereto, of sixty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine. *Provided,* ^{When to be paid in.} that the whole amount shall be paid in on or before the first Monday in October next.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

SEC. 3. Before said corporation shall proceed to ^{Certificate,} do business upon said additional capital, a certificate signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXVIII.

An Act to increase the Capital Stock of the Merrimack Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Merrimack Bank, are hereby authorized to increase their present capital stock, by an addition thereto of ninety thousand dollars, in shares of one hundred and fifty dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine. *Provided*, that the whole amount shall be paid in on or before the first Monday of October next.

When to be paid
in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXIX.

An Act to incorporate the Norfolk Granite Company.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Thomas Butler, William Curtis Atwell, Persons incorporated. Richard Henry Atwell, and Samuel L. Knapp, and their associates and successors, are hereby made a manufacturing corporation, by the name of the Norfolk Granite Company, for the purpose of quarrying, hammering, cutting, manufacturing and vending granite stone, in Quincy, in the county of Norfolk, and in Boston, in the county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may be lawfully Estate. seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of twenty-five thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXX.

An Act to incorporate the Proprietors of the First Freewill Baptist Meeting-house in Lowell.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

Nathaniel Thurston, Samuel Folsom, and Abram S. Holbrook, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the First Freewill Baptist Meeting-house in Lowell, with the rights and privileges, and subject to the duties and liabilities incident to religious societies in this Commonwealth, and with power to hold real and personal estate, the annual income of which, exclusive of such meeting-house as they may erect, with the land under and appurtenant to the same, shall not exceed one thousand dollars : *provided*, the same shall be appropriated exclusively to parochial purposes.

Estate.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXXI.

An Act to set off a part of the town of Truro, and annex the same to the town of Provincetown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

All that part of the town of Truro, in the county of Barnstable, which was originally run out, and known as the fourth lot, with the fifth, sixth, and seventh lots in the westerly part of said Truro, together with all the inhabitants on said lots, are hereby set off and separated from said Truro, and annexed to and made a part of the town of Provincetown ; *provided, however*, that said inhabitants so set off, shall be liable to pay all taxes that have been legally assessed on them by said town of Truro, in the same manner as if this act had not been passed ; *and provided further*, that until a new valuation of polls and estates shall be taken and made, the said town of Provincetown shall be liable to pay over to the town of Truro all such sums of money as shall be levied and collected from the inhabitants set off as aforesaid, as their proportion of the state and county taxes. This act shall take effect from and after the fifteenth day of November next, unless the inhabitants of Provincetown shall, in a legal town meeting, held prior to that time, vote not to accept the same.

Persons set off to
pay taxes already
assessed in Truro.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXXII.

An Act to authorize the First Parish in Bradford to sell Ministerial Lands.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Appropriation of
proceeds.

The First Parish in Bradford are hereby authorized to sell, and by their treasurer for the time being, or by a committee chosen for the purpose, to pass deeds to convey any part, or the whole of the ministerial lands of said parish, lying in said town of Bradford, and the proceeds thereof shall be added to their parish fund, and the interest of such proceeds applied towards the support of the ministry in said parish, agreeably to the provisions of "an act to incorporate certain persons as trustees of a fund for the support of a congregational gospel minister in the first parish in Bradford, in the county of Essex," passed the tenth day of February, in the year one thousand eight hundred and four : *provided* the minister of said parish shall give his assent to such sale, by joining in the deed or deeds of conveyance.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXXIII.

An Act to incorporate the Rock Harbor River Company in Orleans and Eastham.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Oliver Smith, Sparrow Horton, Jonathan Rogers, their associates and successors, are hereby made a corporation, by the name of the Rock Harbor River Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five. Persons incorporated.

SEC. 2. The said corporation shall be capable in law to have, hold, and possess in fee simple, leasehold or otherwise, all or any part of that certain real estate, situated in said Orleans and Eastham, commencing at a rock on the south border of said river, being the boundary line between the said towns of Orleans and Eastham, and extending thence due north across said river, to a bound six rods from said river; thence extending northwestwardly over the beach and sedge ground parallel with said river, and six rods from the same, to a point forty rods to the westward of the sedge ground; thence due south eighteen rods; thence southeastwardly parallel with the said river, and six rods from the same, to the town road; thence eastwardly by the north side of Boundaries of real estate.

Company may
build a dam and
wharves.

said road, to a point due south of the first mentioned bound; thence due north to the first mentioned bound, with all the rights, privileges and appurtenances thereunto belonging: *provided*, the lawful owners of the said property shall legally convey the same to the said Rock Harbor River Company; and the said company shall have authority to build a dam across said river, on the east end of the premises aforesaid, with a gate or gates to the same, and a sluiceway, with authority to stop the water in the river above the dam, at high tides, and to let it off at low tides, as they may deem expedient. And the said corporation shall have authority to build a wharf or wharves, and maintain the same, on the borders of the said river, as they may deem expedient, and to lay vessels at the side and ends thereof, and to receive dockage and wharfage therefor, and also to grant, sell and alien, in fee simple, or otherwise convey their corporate property, or any part thereof, within the above described limits, and to lease, manage and improve, build, re-build, pull down and alter the same, also to remove, construct, erect, alter or repair any dam-gate, sluiceway, buildings, wharves, docks, passage ways, and straighten and deepen said river within the said limits, according to their pleasure, by such forms of conveyance and contract as shall by their by-laws be provided: *provided*, that this act shall in nowise interfere with the legal rights of any person or persons whatsoever.

Shares to be per-
sonal estate.

SEC. 3. Said corporation, at any legal meeting, may agree upon the number of shares into which their corporate property and estate shall be divided, not exceeding one hundred and fifty, and agree upon the form of the certificates to be given to the proprietors, which shares shall be deemed and consid-

ered as personal estate, and shall be transferrable by assignment on the back of the certificate, recorded by the clerk of the corporation in a book to be kept for that purpose, and shall be liable to attachment on mesne process, and sale on execution, in the same manner, and according to the statutes making provision for attachment and sale of shares of debtors in corporate companies.

SEC. 4. The said corporation shall have authority, from time to time, to assess on the stockholders such sums of money, not exceeding fifty dollars in the whole on each share, for the purchase, improvement and good management of their estate.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXXIV.

An Act to incorporate the Dwight Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Charles Stearns, George Bliss and William Dwight, their associates and successors, are hereby made a corporation, by the name of "the Dwight Company" for the purpose of manufacturing locomotive and other steam engines, machinery, and cotton and woollen goods, in the town of Springfield, in the county of Hampden, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set

Persons incorporated.

forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said company may hold, for purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said company shall not exceed three hundred thousand dollars.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXXV.

An Act authorizing John Hood to extend his Wharf in Somerset.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

John Hood of Somerset is hereby authorized to extend his wharf in Somerset, called the Try-house Wharf, into Taunton river, any distance not exceeding one hundred feet beyond its present limits: *provided*, such extension shall not affect the private rights of any other person.

[Approved by the Governor, March 30, 1836.]

CHAP. LXXXVI.

An Act to increase the Capital Stock of the Wrentham Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Wrentham Bank are hereby empowered to increase their present capital stock, by an addition of fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct and determine : *provided, however,* that the whole amount shall be paid in on or before the first Monday of October next. When to be paid in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said bank is now subject.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate.

[Approved by the Governor, March 31, 1836.]

CHAP. LXXXVII.

An Act to increase the capital stock of the Beverly Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Beverly Bank are hereby authorized to increase their present capital stock, by an addition of twenty-five thousand dollars, in shares of sixty-two dollars and fifty cents each, which shall be paid in such instalments as the president and directors of said bank may direct and determine ; *provided*, that the whole amount shall be paid on or before the first day of October next.

When to be paid
in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before the said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. LXXXVIII.

An Act to incorporate the Essex Printing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Daniel Hastings, Jonathan Howard, and William H. Tileston, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Essex Printing Company" for the purpose of printing, dyeing and bleaching cotton, woollen, silk and other fabrics in the town of Lynn, in the county of Essex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred and twenty-five thousand dollars.

Estate.

[Approved by the Governor, March 31, 1836.]

CHAP. LXXXIX.

An Act authorizing Benjamin Ellis to extend his Wharf, on the Wankinco River, in Wareham.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Benjamin Ellis is hereby authorized to extend his wharf, in Wareham, situate on the Wankinco River, between the wharves of Barnabas Hedge, and John A. Parker and others, so far into said river, as to form a right line from the exterior corner of each of the two last named wharves : *provided* that such extension shall not infringe on the legal rights of others.

[Approved by the Governor, March 31, 1836.]

CHAP. XC.

An Act authorizing Barnabas Hedge to extend his Wharf, on the Wankinco River, in Wareham.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Barnabas Hedge is hereby authorized to extend his wharf, situate on the Wankinco River, in Wareham, so far into said river as to be in a straight line

with that part of said wharf which the said Hedge purchased of Perez F. Briggs : *provided* such extension shall not infringe on the legal rights of others.

[Approved by the Governor, March 31, 1836.]

CHAP. XCI.

An Act to increase the Capital Stock of the Fall River Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Fall River Bank, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine : *provided*, that the whole amount shall be paid in on or before the first Monday in October next.

Persons incorporated.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid

Certificate.

into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. XCII.

An Act to increase the Capital Stock of the Merchants Bank in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Merchants Bank, in Boston, are hereby authorized to increase their capital stock, by an addition of seven hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct and determine. *Provided, however,* that three hundred and seventy-five thousand dollars of said additional capital, the full amount of three thousand seven hundred and fifty shares, shall be paid in on or before the tenth day of April next, and the residue on or before the tenth day of October next.

When to be paid
in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before the said corporation shall proceed to do business upon such additional capital, a certifi-

cate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. XCIII.

An Act to increase the Capital Stock of the Bank of Brighton.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Bank of Brighton are hereby authorized to increase their capital stock by an addition of fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct and determine. *Provided,* ^{When to be paid in.} *however,* that the whole amount shall be paid in, on or before the first day of October next.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital of said corporation is now subject.

SEC. 3. Before said corporation shall proceed to ^{Certificate.} do business upon the said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actu-

ally paid into the bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. XCIV

An Act to increase the Capital Stock of the Hampshire Manufacturers' Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Hampshire Manufacturers' Bank, are hereby authorized to increase their capital stock by an addition of fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such time, as the president and directors of said bank may direct and determine.

When to be paid in. *Provided, however, that the whole amount shall be paid in on or before the first day of October next.*

SEC. 2. The additional stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions to which the present capital of said corporation is now subject.

Certificate. SEC. 3. Before said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into the bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. XCV.

An Act to increase the Capital Stock of the Rail Road Bank.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The president, directors and company of the Rail Road Bank are hereby authorized to increase their present capital stock by an addition thereto, of three hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine. *Provided*, that the whole amount shall be paid in on or before the first Monday in October next. When to be paid in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate.

[Approved by the Governor, March 31, 1836.]

CHAP. XCVI

An Act to increase the Capital Stock of the Hingham Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Hingham Bank are hereby authorized to increase their present capital stock, by an addition of fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such time, as the president and directors of said bank may direct and determine : *provided, however,* that the whole amount shall be paid in on or before the first day of October next.

When to be paid in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital of said corporation is now subject.

Certificate.

SEC. 3. Before said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into the bank, shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. XCVII.

An Act to increase the Capital Stock of the Andover Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors, and company of the Andover Bank, are hereby authorized to increase their present capital stock, by an addition of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine : *provided*, that the whole amount shall be paid on or before the first day of October next. When to be paid in.

SEC. 2. The additional stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital of said corporation is now subject.

SEC. 3. Before the said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate.

[Approved by the Governor, March 31, 1836.]

CHAP. XCVIII.

An Act to increase the Capital Stock of the Lynn Mechanics' Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors, and company of the Lynn Mechanics' Bank, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine: *provided*, that the whole amount shall be paid in on or before the first Monday in October next.

When to be paid
in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. XCIX.

An Act to incorporate the Westfield Paper Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. A. B. Whitman, Matthew Ives, Jr. and Hiram Harrison, their associates and successors, are hereby made a manufacturing corporation, for the purpose of manufacturing paper, in the town of Westfield, within the county of Hampden, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of ten thousand dollars, and the whole capital stock of said company shall not exceed twenty thousand dollars.

Estate.

[Approved by the Governor, March 31, 1836.]

CHAP. C.

An Act to incorporate the American Stationers Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Edwin Shepard, Lemuel Shattuck, and James Ballard, their associates and successors, are hereby made a manufacturing corporation, by the name of the "American Stationers Company," for the purpose of manufacturing type, stereotype plates, and books, and carrying on the business thereof, in the county of Suffolk, and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, March 31, 1836.]

CHAP. CI.

An Act to increase the Capital Stock of the Bank
of General Interest in Salem.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Bank of General Interest in Salem, are hereby authorized and empowered to increase their capital stock, by an addition of two hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct and determine : *provided*, that the whole shall be paid in on or before the tenth day of October next. When to be paid in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

SEC. 3. Before the said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth. Certificate.

[Approved by the Governor, March 31, 1836.]

CHAP. CII.

An Act to incorporate the Nashua River Mutual
Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

David Child, Thomas A. Staples, and Oliver Sheple, their associates and successors, are hereby made a corporation, by the name of Nashua River Mutual Fire Insurance Company, in the town of Groton, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, for the term of twenty-eight years.

[Approved by the Governor, March 31, 1836.]

CHAP. CIII.

An Act to authorize the First Parish in Watertown to tax the Pews in their Meeting-house.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The First Parish or Congregational Society in Watertown is hereby authorized to assess upon the pews in any meeting-house, which said parish may hereafter build, or which may be hereafter conveyed to said parish, for the purposes of public worship, according to a valuation of said pews, which shall first be agreed upon by said parish, and recorded, any sum or sums of money which shall hereafter be voted to be raised by said parish, for the support of public worship, and other parochial charges, and for the repairs of such meeting-house, and all such assessments may be collected in the manner provided by the thirty-second, thirty-third, and thirty-fourth sections of the twentieth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, March 31, 1836.]

CHAP. CIV.

An Act authorizing the Mechanics' Wharf Company,
in New-Bedford, to build a bridge or bridges.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Location.

The Mechanics' Wharf Company, in the town of New-Bedford, are hereby authorized to locate and construct a bridge, or bridges across the water which separates the property of said company from the land on the south thereof; said bridge, or bridges, to be located at the foot of a lane leading to the channel of the Acushnet river: *provided*, the said company shall first obtain the consent of the proprietors of the land: and *provided, further*, that said company shall make, and keep in repair, in said

Draws.

bridge or bridges, good and sufficient draws, of the necessary width to accomodate all vessels which may have occasion to pass the same, and shall at all times raise said draws, and afford all proper facilities to vessels passing the same.

[Approved by the Governor, March 31, 1836.]

CHAP. CV.

An Act to incorporate the Concord River Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Horatio W. Hastings, Joel Stone, jr. Persons incorpo-
rated. John Whitney, and their associates and successors, are hereby made a manufacturing corporation, by the name of the "Concord River Company," for the purpose of manufacturing cotton and woollen goods, in the town of Lowell, within the county of Middlesex ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the Estate. purposes aforesaid, real estate, to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 31, 1836.]

CHAP. CVI.

An Act to incorporate the town of Dover.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name.

SEC. 1. The territory now known as the District of Dover in the county of Norfolk, is hereby made a town by the name of Dover, and as such, shall have all the powers and privileges, and be subject to all the duties and liabilities of similar corporations, as set forth in the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The present officers of the district of Dover shall perform all the duties, and be subject to all the liabilities of town officers, in their several offices, until, at a legal meeting of the inhabitants of said town, called for that purpose, a new election shall be had.

SEC. 3. All the property, of every description, now belonging to the district of Dover, shall hereafter, to all intents and purposes, be the property of said town, and all the debts, liabilities and obligations now existing against or upon said district, shall continue in force against, and be binding upon said town of Dover.

Act to be accepted within ninety days, or else void.

SEC. 4. This act shall be wholly void, and of no effect, unless the inhabitants of said district of Dover, at a legal meeting called for that purpose, within

ninety days from the passage of this act, shall accept the same.

[Approved by the Governor, March 31, 1836.]

CHAP. CVII.

An Act to increase the Capital Stock of the Phœnix Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Phœnix Bank, are authorized to increase their present capital stock by an addition of one hundred and fifty thousand dollars thereto, in shares of one hundred dollars each ; which shall be paid in such instalments as the president and directors of said bank may direct and determine ; *provided*, that the whole amount shall be paid in, on or before the tenth day of October next. When to be paid in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said bank is now subject.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate.

[Approved by the Governor, March 31, 1836.]

CHAP. CVIII.

An Act to incorporate the Atlantic Silk Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. William H. Gardner, Samuel B. Tuck, and William Coffin, their associates and successors, are hereby made a manufacturing corporation, by the name of the Atlantic Silk Company, for the production and manufacturing of silk, in the county of Nantucket, and for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of sixty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 31, 1836.]

CHAP. CIX.

An Act to establish the Neponset Bank.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Adam Kinsley, Frederick W. Lincoln, James Dunbar, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Neponset Bank, to be established in the South Village in Canton, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in on or before the first day of January next.

When to be paid in.

[Approved by the Governor, March 31, 1836.]

CHAP. CX.

An Act to increase the Capital Stock of the Cohannet Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Cohannet Bank, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine : *provided*, that the whole amount shall be paid in on or before the first Monday in October next.

When to be paid
in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. CXI.

An Act to establish the Village Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John Page, Moses Black, and Elias Putnam, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company, of the Village Bank, to be established at Porter's Plain, so called, in Danvers, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house, and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred and twenty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

Amount of stock.

When to be paid in.

[Approved by the Governor, March 31, 1836.]

CHAP. CXII.

An Act to establish the Quincy Stone Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Harvey Field, Thomas Taylor, and Edward Glover, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Quincy Stone Bank, to be established in the town of Quincy, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

When to be paid
in.

[Approved by the Governor, March 31, 1836.]

CHAP. CXIII.

An Act to establish the North American Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Michael Shepard, Caleb Smith, and John Winn, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the North American Bank, to be established in Salem, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock of said company shall be transferable only at its banking house, and in its books.

SEC. 3. The capital stock of said corporation shall consist of three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid on or before the first day of January next.

Amount of stock.

When to be paid in.

[Approved by the Governor, March 31, 1836.]

CHAP. CXIV.

An Act to establish the Mechanics' Bank at South Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Noah Brooks, Solon Jenkins, and Artemas Simonds, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Mechanics' Bank, to be located in that part of the city of Boston, called South Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock of said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of the sum of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct :

When to be paid
in.

provided, the whole be paid in on or before the first day of January next.

[Approved by the Governor, March 31, 1836.]

CHAP. CXV.

An Act to increase the Capital Stock of the Adams Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Adams Bank, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine : *provided*, that the whole amount shall be paid in on or before the first Monday in October next. When to be paid in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. Certificate.

[Approved by the Governor, March 31, 1836.]

CHAP. CXVI.

An Act to establish the City Bank in Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Joseph Locke, Jonathan Tyler, and John Nesmith, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the City Bank in Lowell, to be established in Lowell, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole of said capital stock be paid in on or before the first day of January, one thousand eight hundred and thirty-seven.

When to be paid
in.

[Approved by the Governor, March 31, 1836.]

CHAP. CXVII.

An Act to increase the Capital Stock of the Bristol County Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The president, directors and company of the Bristol County Bank, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine : *provided*, ^{When to be paid in.} that the whole amount shall be paid in on or before the first Monday in October next.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

SEC. 3. Before said corporation shall proceed to ^{Certificate.} do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, March 31, 1836.]

CHAP. CXVIII.

An Act to establish the Southbridge Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Moses Plimpton, Ebenezer D. Ammidown, Holmes Ammidown, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Southbridge Bank, to be established in Southbridge, and shall so continue, until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

When to be paid
in.

[Approved by the Governor, March 31, 1836.]

CHAP. CXIX.

An Act to incorporate the Charlestown Wharf Company in Charlestown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John Skinner, David Devens, William Wyman, their associates and successors, are hereby made a corporation, by the name of the "Charlestown Wharf Company" for the period of ten years, and may have and hold, in fee simple or otherwise, all or any part of the real estate situate in said Charlestown, and bounded as follows, viz : north-
Persons incorpo-
rated.
 westerly, by the land of said Commonwealth, on part of which is the State Prison, and by the flats thereto belonging ; northerly, northeasterly and easterly by Washington street, Bow street, part of Main street, and by Water street ; easterly, by the United States Navy Yard, and the flats thereto belonging ; and southerly, southwesterly and westerly by the channel of Charles River ; and all flats, rights, easements, privileges and appurtenances thereto belonging. And the said company may, within the limits
Boundaries.
Docks, &c.
 aforesaid, construct docks and wharves, lay vessels at the ends and sides thereof, and receive dockage and wharfage therefor, and may erect buildings, lay out streets and passage-ways, and improve and manage said property as to them shall seem expedient : *provided*, that nothing herein contained shall be construed to authorize the said company to ob-

struct the free navigation of said channel, by vessels or otherwise, nor to lessen or injure the rights or property of the owner or owners of any wharf or wharves, adjoining those of said company.

Estate.

SEC. 2. The said company may hold such real and personal property, and estate not exceeding the value of four hundred thousand dollars, as may be necessary and convenient to carry into effect the objects of this act.

Shares to be personal property.

SEC. 3. The said Charlestown Wharf Compay, at any legal meeting, may agree upon the number of shares, not exceeding four thousand, into which their corporate property and estate shall be divided, and determine on the form of certificates to be given to the proprietors ; which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk, in a book to be kept for that purpose ; and may assess on the stockholders such sums of money, from time to time, not exceeding in the whole one hundred dollars on each share, as may be necessary for the purchase, improvement and management of their estate : *provided* always, that no assessment shall be made at any meeting, unless the same shall be agreed to by at least two thirds in number of votes of those present or represented at said meeting, nor unless public notice shall have been given at least ten days previous to such meeting, of the purpose thereof, by publication thereof in one or more newspapers printed in said Charlestown, or in the city of Boston.

Public notice of assessment.

SEC. 4. For the purposes aforesaid, the said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Re-

vised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, March 31, 1836.]

CHAP. CXX.

An Act to establish the "Randolph Bank."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Seth Mann, Royal Turner, and Jonathan Wales, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the "Randolph Bank," to be established in Randolph, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the privileges and powers, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the

Amount of stock.

When to be paid in.

whole be paid in on or before the first day of January next.

[Approved by the Governor, March 31, 1836.]

CHAP. CXXI.

An Act to establish the Powow River Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Seth Clark, Robert Patten, and Jonathan B. Webster, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Powow River Bank, to be established at the Mills Village in Salisbury, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may

direct : *provided*, that the whole be paid in on or before the first day of January next. When to be paid in.

[Approved by the Governor, March 31, 1836.]

CHAP. CXXII.

An Act to establish the East Bridgewater Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Wallace Rust, Zenas Keith, Jr., John A. Whitcomb, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the East Bridgewater Bank, to be established in East Bridgewater, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and said corporation shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five. Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the Amount of stock. When to be paid in.

whole be paid in on or before the first day of January next.

[Approved by the Governor, April 1, 1836.]

CHAP. CXXIII.

An Act to establish the Essex Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Isaac Osgood, Gayton P. Osgood, Nathaniel Stevens, and Joseph Kittredge, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Essex Bank, to be established in Andover North Parish, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in on or before the first day of January next.

When to be paid
in.

[Approved by the Governor, April 1, 1836.]

CHAP. CXXIV.

An Act to establish the Farmers and Mechanics Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Daniel Smith, Ira Richardson, and Richmond Brown, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Farmers and Mechanics Bank, to be established in Adams South Village, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in within one year from the passing of this act.

Amount of stock.

When to be paid in.

[Approved by the Governor, April 1, 1836.]

CHAP. CXXV.

An Act to establish the Manufacturers Bank at Rowley.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. John B. Savory, John A. Lovering, and Robert Savory, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Manufacturers Bank, to be established in the town of Rowley, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

When to be paid
in.

[Approved by the Governor, April 1, 1836.]

CHAP. CXXVI.

An Act to establish the Haverhill Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Enoch Silsbee, James Noyes, and Hiram Plummer, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Haverhill Bank, to be established in the town of Haverhill, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

Amount of stock.

When to be paid in.

[Approved by the Governor, April 1, 1836.]

CHAP. CXXVII.

An Act to establish the Attleborough Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Jacob Bolkcom, Jonathan Bliss, and Richard Robinson, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Attleborough Bank, to be established in Attleborough, and shall so continue, until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the privileges and powers, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation, shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

When to be paid
in.

[Approved by the Governor, April 1, 1836.]

CHAP. CXXVIII.

An Act to establish the City of Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The inhabitants of the town of Lowell, Title, general powers, and government. for all purposes for which towns are by law incorporated, in this Commonwealth, shall continue to be one body politic, under the style and denomination of the City of Lowell, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon, and appertaining to said town—and the administration of all the fiscal, prudential and municipal concerns of the city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the Mayor, one select council, consisting of six persons, to be denominated the Board of Aldermen, and one council, to consist of twenty-four persons, to be denominated the Common Council, together with such other boards of officers as are hereinafter specified. The mayor, aldermen and common council, in their joint capacity, shall be denominated the City Council, and shall not, excepting the mayor, receive any compensation for their services.

SEC. 2. The mayor, aldermen and common council, chosen as is hereinafter provided, shall enter on the duties of their offices the first Monday of April in each year, and shall hold their offices for the term

Oath of office.

Proceedings in
case of failure to
elect a mayor.

of one year from the time of their so entering on the duties thereof ; and before entering on said duties, the mayor, aldermen and common council, shall be sworn to the faithful discharge of the same ; and such oath may be administered to the mayor elect by any justice of the peace for the county of Middlesex ; and such oath shall be administered to the aldermen, and common council, by the mayor, being himself first sworn as aforesaid, and a certificate of such oath having been taken, shall be entered in the journal of the mayor and aldermen, and of the common council, by their respective clerks ; and whenever, on examination, by the mayor and aldermen for the time being, of the returns of votes given for mayor, at the meeting of the citizens, holden for the purpose of electing that officer last preceding the first Monday of April, in each year, no person shall appear to have a majority of all the votes given for mayor, the mayor and aldermen by whom such examination is made, shall make a record of that fact, an attested copy of which the city clerk shall read, on the first Monday of April, in each year, in the presence of the persons returned to serve as aldermen and common council ; and thereupon the oath of office prescribed by law, may be administered by any justice of the peace for the county of Middlesex ; and the board of aldermen shall then proceed to elect a chairman, who shall perform the duties of mayor until the mayor be duly chosen, and the common council a president, in their respective chambers, and being respectively organized shall proceed to business. And in case any person elected mayor of said city, shall refuse to accept said office, the same proceeding shall be had as hereinbefore directed, in respect to the organization of the board of al-

dermen and common council, in cases where there has been no choice of mayor; and the board of aldermen so organized, shall forthwith issue their warrant for a meeting of the citizens for the choice of mayor, at such time and place as they shall judge most convenient, and said meeting shall be organized, and the same proceedings had in all respects in relation to the choice of mayor, as are hereinafter directed in the twentieth section of this act. And in case of the unavoidable absence, by sickness or otherwise, of the mayor elect, on the first Monday of April, in each year, the city government shall organize itself in the mode hereinbefore provided, and may proceed to business in the same manner as if the mayor were present.

SEC. 3. In case of the decease, inability, resignation or absence of the mayor, and the same being declared, and a vote passed by the aldermen and common council, respectively, declaring such cause, and the expediency of electing a mayor for the time being, to supply the vacancy thus occasioned, the aldermen and common council may meet in convention, and elect a mayor to hold the office until such occasion be removed, or until a new election. And in case of the death or resignation of any member of the board of aldermen, the citizens may fill such vacancy, at any regular meeting that may thereafter be convened for that purpose.

*Proceedings in
case of death,
&c. of mayor.*

SEC. 4. The mayor and aldermen shall compose one board, and shall sit and act together as one body, at all meetings of which the mayor, if present, shall preside, but in his absence, the board may elect a chairman, for the time being; and the said board, together with the common council in convention, shall choose a clerk, to be denominated the city

Mayor and aldermen.

City clerk.

clerk, who shall hold his office for the term of one year, and until another person be chosen and qualified to succeed him, removable, however, at the pleasure of the mayor and aldermen. Before entering on the duties of his office, the clerk shall be sworn to the faithful discharge of the same; and shall keep a journal of the acts and proceedings of said board, sign all warrants issued by them, and do such other acts in his capacity, as may lawfully and reasonably be required of him; and deliver over all journals, books, papers and documents entrusted to him, as such clerk, to his successor in office immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the mayor and aldermen. And the city clerk, thus qualified, shall have all the powers, and perform all the duties, now by law belonging to the town clerk of the town of Lowell, as fully as if the same were particularly enumerated, except in cases where it is otherwise expressly provided.

Common council.

SEC. 5. The persons chosen and qualified as members of the common council of the city, shall sit and act together as a separate body, distinct from that of the mayor and aldermen, except in those cases in which the two bodies are to meet in convention; and the council may, from time to time, choose one of their own members to preside over their deliberations, and preserve order therein, and also to choose a clerk, who shall be under oath faithfully to discharge the duties of his office, who shall hold said office, during the pleasure of the council, and who shall attend the council, when the same is in session, keep a journal of its acts, votes, and proceedings, and perform such other services in said capacity as the council may require. All sittings of the common

Sittings to be public.

council shall be public ; also all sittings of the mayor and aldermen, when they are not engaged in executive business. Four members of the board of aldermen, and fifteen of the common council, shall constitute a quorum for the transaction of business. And each of the persons chosen as a member of the common council shall, within two days after his election, be furnished with a certificate thereof, signed by a majority of the officers presiding at such election, which certificate shall be presumptive evidence of the title of such person to a seat in the common council ; but the council, however, shall have the authority to decide ultimately upon all questions relating to the qualifications, elections and returns of its members.

Certificate of election.

SEC. 6. The mayor of the city, shall be the chief executive officer of said corporation ; and shall be compensated for his services by a salary, to be fixed by the board of aldermen and common council, in city council convened, payable at stated periods : which salary shall not exceed the sum of fifteen hundred dollars annually, and he shall receive no other compensation or emolument whatever : and no regulations enlarging or diminishing such compensation shall be made, to take effect until the expiration of the year, for which the mayor, then in office, shall have been elected. And the mayor shall be vigilant and active at all times, in causing the laws for the government of said city to be duly executed and put in force ; shall inspect the conduct of all subordinate officers in the government thereof, and, as far as in his power, to cause all negligence, carelessness and violation of duty, to be duly prosecuted and punished. Whenever in his judgment the good of the city may require it, he shall summon meetings of the

The mayor, his salary and duties.

board of aldermen and common council, or either of them, although the meeting of said boards, or either of them, may stand adjourned to a more distant day; and perform such other duties as the city council may legally and reasonably require. And the mayor, from time to time, shall communicate to both branches of the city council, all such information, and recommend all such measures, as may tend to the improvement of the finances, police, health, security, cleanliness, comfort and ornament of the city.

Police, &c. vested in mayor and aldermen.

SEC. 7. The administration of police, the executive powers of the city, with all the powers heretofore vested in the selectmen and overseers of the poor, of the town of Lowell, are hereby vested in the mayor and aldermen, as fully, as if the same were herein enumerated, who shall be *ex officio* members of the school committee. The mayor and aldermen may also grant licenses to inn-holders, common victuallers and retailers, within the city, in all cases wherein the county commissioners for the county of Middlesex, on the recommendation of the selectmen of Lowell, have heretofore been authorized to grant such licenses; and may appoint annually such a number of persons as constables for the city, and from time to time such special constables as the public service may require; all of whom shall be removable at the pleasure of the mayor and aldermen; and the constables so appointed shall have the same powers as are by law vested in constables chosen by the towns in this Commonwealth. And the mayor and aldermen may cause the public streets of the city to be lighted, and for that purpose may set up and construct lamps, gas-pipes, or other apparatus, such as the public necessity or convenience may require.

Licenses.

Constables.

Lamps, &c.

SEC. 8. All other powers now by law vested in the town of Lowell, or in the inhabitants thereof, as a municipal corporation, shall be, and hereby are, vested in the mayor, aldermen and common council of the city, to be exercised by concurrent vote—each board having a negative upon the other ; especially they may make all such needful and salutary by-laws, as towns By-laws. by the laws of this Commonwealth have power to make, and annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect, and be in force, from and after the times therein respectively limited, without the sanction or confirmation of any court, or other authority whatever : *provided*, that such by-laws shall not be repugnant to the laws of this Commonwealth ; and shall be liable to be annulled by the legislature thereof. The city council, from time to time, may lay and assess taxes for which towns are by law re- Taxes. quired or authorized to assess or grant money, and also, for all purposes necessary for carrying into effect the powers conferred by this act : *provided, however*, that, in the assessment and apportionment of such taxes, the same rules and regulations shall be observed, as are now established by the laws of this Commonwealth, or may hereafter be enacted, relative to the assessment and apportionment of town taxes. The city council may provide for the assessment and collection of such taxes, make appropriations of all public moneys, and provide for the disbursement thereof, and take suitable measures to ensure a just and prompt account thereof, and for these purposes may either elect such assessors and Assessors. assistant assessors as may be needful, or provide for the appointment or election of the same, or any of them, by the mayor and aldermen, or by the citizens,

as may be most conducive to the public good, and shall also require of all persons entrusted with the collection, custody or disbursement of public moneys, such bonds, with such conditions, and such sureties as the case may require.

City officers,
how chosen.

Streets, &c.

Drains, &c.

SEC. 9. The city council may provide for the appointment or election of all officers necessary for the good government of the city, not otherwise provided for; prescribe their duties and fix their compensation; cause any street or streets, public places or squares in the city to be graded, paved, macadamized or repaired; and cause permanent sidewalks to be constructed on the same, in front of buildings, at the expense of the owners thereof, and temporary ones in front of vacant lands, at the expense of the abutters or of the city, which sidewalks, when accepted by said council, shall be afterwards maintained at the expense of the city, whenever the convenience of its inhabitants may require the same, and cause drains and common sewers to be laid down through any streets or private lands, paying the owners thereof such damage as they may sustain thereby; and require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer; and lay out, make and continue, or discontinue all city and town ways or streets within the limits of the city; and widen or straighten county ways, within the city, in such manner as the public convenience may require; and any party aggrieved by such building of sidewalks, laying of drains or common sewers, and alterations of ways, shall have the same remedies as are provided by law for the doings of county commissioners. The city council may also make and establish necessary or fit rules and by-laws for the inspection,

survey, measurement and sale of timber, brick, wood, coal, and bark for fuel, brought into the city for sale, and for the regulation of carriages in the streets of the city ; appoint certain suitable places in the streets and squares of the city, as public stands for wagons, carts, sleds and carriages of every description, and ordain fit penalties, not exceeding twenty dollars, for the breach of any of the ordinances, rules and regulations so made and established, to be recovered upon complaint of any officer or other inhabitant of the city, before the police court therein, for the use of the city. The city council shall also have the care and superintendence of the public buildings, and the care, custody and management of all the property of the city, with power to lease or sell the same, and to purchase property in the name and for the use of the city, whenever its interest or convenience may require. The city council may, by a committee by them appointed, or by instructions to any officer having charge of the streets, appropriate, set-off and reserve, as sidewalks, such parts of any streets of the city, as may be necessary for the safety, convenience and accommodation of foot passengers, and permit or direct posts of stone or wood, or trees, if necessary, to be placed along the edge of said sidewalks, to protect the same, or the passengers travelling thereon.

Inspection of
timber, &c.

Penalties for
breach of by-
laws.

Public buildings
and property.

Sidewalks.

SEC. 10. All the powers and authority invested in the boards of health of towns in this Commonwealth, are hereby transferred to, and vested in the city council, to be carried into execution by the appointment of health commissioners, or in such other manner as the health and cleanliness of the city may require, subject to such alterations as the legislature may, from time to time, adopt.

Health commis-
sioners.

Treasurer.

SEC. 11. The mayor, aldermen and common council, shall, as soon as convenient, after their annual organization, meet in convention, and elect a treasurer of the city.

School committee.

SEC. 12. The persons elected to constitute the school committee, shall enter upon their duties on the first Monday of April in each year, and shall hold their offices for the term of one year from the time of their so entering upon said duties ; and they shall have the same powers, and perform the same duties as are by law vested in, and required of the school committees of towns and school districts in this Commonwealth.

Expenditures,
&c. to be published annually.

SEC. 13. All boards and officers, acting under the authority of the city, and entrusted with the receipt and expenditure of public money, shall be accountable therefor to the city council, in such manner as they may direct. And the city council shall publish and distribute, annually, for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys, and a particular statement of city property, five days at least, prior to the first Monday in February.

Mayor to nominate.

SEC. 14. In all cases in which appointments to office are directed to be made by the mayor and aldermen, the mayor shall have exclusive power of nomination ; such nomination, however, being subject to be confirmed or rejected by the board of aldermen : *Provided, however,* that no person shall be eligible to any office, the salary of which is payable out of the city treasury, who at the time of his appointment, shall be a member of the city council.

Number of representatives.

SEC. 15. The two branches of the city council, on the second Monday of October, in each year, shall meet in convention, and determine the number

of representatives, which it may be expedient for the city to elect to the general court in such year, and shall publish such determination, which shall be conclusive, and the number thus determined, shall be specified in the warrant calling the meeting for such election of representatives.

SEC. 16. The inhabitants of the city qualified as Wards. aforesaid, may, at any meeting legally called for that purpose, order a division of the town into six wards, in such manner, as to include an equal number of inhabitants in each ward, as nearly as conveniently may be, consistently with well defined limits to each ward, including in such computation of numbers of inhabitants, persons of all descriptions, and taking the last census made under the authority of the United States, this Commonwealth, or of the city, as a basis of computation: *Provided, however,* that not more than two meetings for that purpose shall be holden in any one year. And after said division into wards, the same shall not be altered excepting by the city council once in five years, in such manner, as to preserve as nearly as may be, an equal number of inhabitants in each ward.

SEC. 17. Prior to every election of city officers, Lists of voters. or of any officer or officers under the government of the United States, or this Commonwealth, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such election, in the manner in which selectmen and assessors of towns are required to make out similar lists of voters, and for that purpose they shall have free access to the assessors' books and lists, and be entitled to the aid and assistance of all assessors, assistant assessors, and other officers of the city. And the mayor and aldermen shall deliver such lists of voters

in each ward, to be used by the warden and inspector thereof, at such election; and no person shall be entitled to vote at such election, whose name is not borne on the list; and to prevent all frauds and mistakes in such elections, the officers presiding thereat shall take care that no person shall vote at such election, whose name is not borne on the list of voters, and shall cause a mark to be placed against the name of each voter on such list, at the time of giving his vote.

First city meeting.

SEC. 18. At the first meeting of the inhabitants of the city, for election of officers, in their several wards, the persons authorized to issue a warrant for said meeting, may designate some suitable person to preside at each ward meeting, until the clerk of the ward shall be chosen and qualified; and the person so presiding shall receive, sort, count and declare the votes given for such clerk, in open ward meeting, and the person having a majority of all the votes given, shall be declared elected, and such presiding officer shall record the state of the votes in a book, to be kept by the ward for that purpose.

Wardens and clerks.

SEC. 19. On the last Monday of February, in each year, the citizens of the city, qualified to vote in city affairs, shall meet together, within their respective wards, at such time and place as the mayor and aldermen may in their warrant direct, and the citizens shall then choose by ballot, one warden and one clerk, who shall hold their offices for one year, or until others shall be appointed in their stead. And such wardens shall have the same powers as moderators of town meetings. And such clerks shall make a fair and true record, and keep an exact journal of all the acts and votes of the citizens at such ward meetings; and deliver over such records

and journals, together with all other documents and papers held by him, in his said capacity, to his successor in office. And if, at the opening of the annual meeting, the warden of such ward shall not be present, the clerk of such ward shall call the citizens to order, and preside at such meeting until a warden shall be chosen by ballot. And if, at any other meeting, the warden shall be absent, the clerk in such case shall so preside, until a moderator or warden pro tempore, shall be chosen; which may be by nomination and vote, if the clerk so direct.

At such meeting, also, three inspectors of elections shall be chosen for such ward, being resident therein, by ballot, to hold their offices for one year. And the warden and inspectors, in each ward, shall receive, sort, count and declare all votes at all elections within said ward. And the warden, clerk and inspectors, so chosen, shall respectively be under oath faithfully and impartially to discharge their several duties relative to all elections; which oath may be administered by the clerk of such ward to the warden, and by the latter to the clerk and inspectors, or by any justice of the peace of the county of Middlesex. And certificates of such oaths having been administered, shall be entered in the record or journal, to be kept by the clerk of such ward. And if, at any meeting, the clerk should be absent, a clerk pro tempore shall be chosen by ballot.

SEC. 20. The inhabitants of the city, qualified to vote in city affairs, at their respective ward meetings, to be held on the first Monday of March in each year, shall be called upon to give in their votes for one person to be the mayor, six persons to constitute the board of aldermen, and four persons being

Manner of electing mayor, aldermen, council and school committee

inhabitants of said ward, to be members of the common council, and one person being also an inhabitant of said ward, to be a member of the school committee, and all the votes so given in each ward, being counted and declared by the warden and inspectors of elections, shall be recorded at large by the clerk in open ward meeting; and in making such declaration and record, the whole number of votes given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person, such numbers to be expressed in words at length, and a transcript of such record, certified and authenticated by the warden, clerk and a majority of inspectors of elections for each ward, shall be forthwith transmitted or delivered by such ward clerk to the clerk of the city. And the city clerk shall forthwith enter such returns, or a plain and intelligible abstract of them, as they are successively received, upon the journal of the proceedings of the mayor and aldermen, or some other book to be kept for that purpose. And the mayor and aldermen shall meet together within two days after such election, and examine and compare all the said returns, and ascertain what persons shall have been elected to the offices aforesaid, and give notice, in writing, to all persons elected to the several offices aforesaid, and also make the same known to the inhabitants of the city. But, if, on such examination, said elections shall not be complete, the mayor and aldermen shall issue their warrants for meetings in such wards as shall have failed to complete their elections; and the same proceedings shall be had in all respects as are herein before directed, until such persons shall be chosen by a majority of all the voters voting in such elections. *Provided, however,*

that until the city be divided into wards, according to the sixteenth section of this act, the inhabitants of the city shall meet on the first Monday of March annually, at such time and place as the mayor and aldermen shall, by their warrant calling such meeting, appoint, and the city clerk presiding, shall then and there choose a moderator to preside over said meeting, who shall have the power and authority given to moderators of town meetings by the laws of this Commonwealth, and shall then and there vote by ballot for one person to be mayor, six persons to be aldermen, twenty-four persons to be members of the common council, and six persons to be members of the school committee for the city. And the moderator and aldermen, or a majority of them, shall receive, sort, examine and count the votes at such meeting, given in for said mayor, aldermen, common council and school committee, and then the same shall be declared by the moderator, and recorded by the city clerk in open meeting, in the journal of the proceedings of the mayor and aldermen, or some other book kept for that purpose; and in making such declaration and record, the whole number of votes shall be distinctly stated, together with the name of each person voted for, and the number of votes given for each person respectively. And in case said elections shall not be completed at the first balloting, said meeting shall adjourn for not less than one day nor more than four days; and at such adjourned meeting, the balloting shall be renewed for completing the same, and the same proceedings thereupon had as herein before directed; and such adjournment and balloting shall be renewed, from time to time, if necessary, until persons are elected to fill all said offices, by a majority of the voters

voting at such election. And the mayor and aldermen shall ascertain, by inspection of said record, what persons are so elected, and give notice thereof in writing to every person having such majority, within two days after such election. *Provided, further*, that if, after three ballotings, there be no choice of mayor, then a mayor shall be chosen from the two persons having the highest number of votes for that office, by joint ballot of the board of aldermen and common council, in city council assembled.

First organization of the city government.

SEC. 21. For the purpose of organizing the system of government, hereby established, and putting the same into operation in the first instance, the selectmen of the town of Lowell, for the time being, shall seasonably, before the first Monday of May next, issue their warrant for calling a meeting of the inhabitants of said town, qualified to vote in town affairs, at such time and place as they shall think expedient, for the purpose of giving in their votes for a mayor, six aldermen, twenty-four members of the common council and six members of the school committee. And the votes so given in, shall be received, sorted, counted, examined and declared by the selectmen, and recorded by the town clerk. And in case said election shall not be completed at the first balloting, the balloting may be renewed, and the selectmen may adjourn the meeting, from time to time, if necessary, for not less than one day, nor more than four days, at any one adjournment until said elections shall be completed. And the selectmen shall give notice, in writing, within two days after such election, to the persons elected by a majority of the voters voting at such meeting. And the persons so elected, shall organize themselves and enter upon the duties of

their respective offices, on said first Monday of May in the same manner as is provided in the second section of this act, and may continue in office until the first Monday of April, in the year one thousand eight hundred and thirty-seven.

SEC. 22. All elections for governor, lieutenant Election of governor, &c. governor, senators, county treasurer, representatives, representatives to congress, and all other officers who are to be chosen and voted for by the people, shall be held at meetings of the citizens, qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively. And at such meetings, all the votes given in, being sorted, counted and declared by the warden and inspectors of elections, shall be recorded at large in open ward meeting, by the clerk, and in making such declaration and record, the whole number of votes given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person; such numbers to be expressed in words at length. And a transcript of such record, certified and authenticated by the warden, clerk and a majority of inspectors of elections for each ward, shall forthwith be transmitted or delivered by such ward clerk, to the city clerk. And the city clerk shall enter such returns, or a plain and intelligible abstract of them, as they are successively received, upon the journal of the proceedings of the mayor and aldermen, or some other book to be kept for that purpose. And the mayor and aldermen shall meet together, within two days after every such election, and examine and compare all such returns, and thereupon make out a certificate of the result of such election, to be signed by a majority of the board of aldermen, and

also by the city clerk, which shall be transmitted, delivered, or returned, in the same manner as similar returns are by law required to be made by the selectmen of towns; and such certificates and returns shall have the same force and effect in all respects, as like returns of similar elections made by the selectmen of towns. And in all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the same proceedings shall be had as is required by the laws of this Commonwealth in case of towns failing to elect their representatives: *Provided, however,* that until such time as the city shall be divided into wards, according to the 16th section of this act, the inhabitants of said city, qualified as in this section aforesaid, at all the elections in this section above mentioned, shall meet on the days fixed by law for those elections respectively, at such time and place as the mayor and aldermen, for the time being, may, by their warrant calling such meeting, appoint; and the same proceedings, in all respects, shall be had as are by law provided in the case of town meetings for said elections. And the like proceedings, in all respects, shall be had in regard to making out, authenticating, and returning a certificate of the result of each of such elections as are above in this section provided.

General meetings
of citizens.

SEC. 23. General meetings of the citizens qualified to vote in city affairs, may, from time to time, be held to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain a redress of grievances according to the rights secured to the people by the constitution of this Commonwealth. And such

meetings shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters of the city ; and in case the mayor and aldermen refuse to call a meeting, any justice of the peace of the county, upon the same requisition, is authorized, if he shall think proper, to call such meeting by a warrant under his hand, directed to the constables of the city, if any there be, and, otherwise, to any of the persons applying therefor, directing them to summon the inhabitants qualified to vote in city affairs, to assemble at the time and place, and for the purpose expressed in said warrant.

SEC. 24. The annual election of officers of the town of Lowell, in the months of March and April, in the year eighteen hundred and thirty-six, shall be suspended. And all officers, now in office, shall hold their places until this act shall go into operation.

SEC. 25. All officers of the town of Lowell, having the care and custody of any records, papers, or property, shall deliver the same to the city clerk within two days after his entering upon the duties of his office.

SEC. 26. All acts and parts of acts, inconsistent with, or repugnant to the provisions of this act, shall be, and the same are hereby repealed ; but nothing in this act shall be so construed, as to restrain or prevent the legislature from amending or altering the same whenever they shall deem it expedient.

SEC. 27. This act shall be void unless the inhabitants of the town of Lowell, at a legal town meeting, called for that purpose, shall, by a majority of the voters present, and voting thereon by a written

vote, determine to adopt the same within fourteen days after the passing of this act.

[Approved by the Governor, April 1, 1836.]

CHAP. CXXIX

An Act to incorporate the "Northampton Paper Mills."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. J. Hunt Butler, Charles E. Forbes, Samuel F. Lyman, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Northampton Paper Mills," for the purpose of manufacturing paper, in the town of Northampton, in the county of Hampshire; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of seventy-five thousand dollars.

[Approved by the Governor, April 4, 1836.]

CHAP. CXXX.

An Act to regulate the Fishery in Palmer's River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. From and after the passing of this act, no person, except as is hereinafter provided, shall take shad or alewives, with seines, or in nets, in Palmer's River, in the town of Swansea, in the county of Bristol, from the first day of April, to the twentieth day of June, in each year: *provided*, that the inhabitants of Swansea may, at a legal meeting, held for that purpose, dispose of the privilege at public auction, of taking shad and alewives, with seines only, in said river, for the time aforesaid, to such persons as may offer the highest price for the same, and shall give sufficient security, for the payment of the purchase money, at such time, and in such manner as the town shall order.

Privilege may be sold at auction.

SEC. 2. The town of Swansea may have two seines only, and each seine may have the privilege of sweeping three days, in the day-time only, in each week, beginning on Monday, at sunrise, and ending at sunset on Wednesday, and may sweep in any part of the river aforesaid, between Rhode Island Line, and Rehoboth Line on said river.

Times for taking fish.

SEC. 3. The town of Swansea, at their annual meeting in March or April, may choose one or more suitable persons, to serve as fish-wardens, who, when

Fish wardens.

sworn, shall see this act enforced, and may prosecute for all violations thereof.

Penalty.

SEC. 4. If any person shall sweep with any seine or net, in any time, place or manner, other than as before mentioned, or shall set any seine, net, weare or other obstruction, in said river, or in any part thereof, with the intent to take or destroy any shad or alewives, he shall forfeit and pay fifty dollars, for each offence, to be recovered to the use of the county in which the offence was committed, or by action of debt, one half to the use of the person prosecuting for the same, and the other half to the use of the town in which the offence shall be committed.

SEC. 5. All laws heretofore passed, relating to the fishery in Palmer's River in Swansea, are hereby repealed.

[Approved by the Governor, April 4, 1836.]

CHAP. CXXXI.

An Act in aid of the Western Rail Road Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Western Rail Road Corporation, may increase their capital stock, by the addition of one million of dollars thereto.

Treasurer to subscribe.

SEC. 2. The treasurer of the Commonwealth is hereby directed to subscribe in the name, and in be-

half of the Commonwealth, for ten thousand shares in the capital stock of said corporation, and he shall pay all assessments laid, or which may be hereafter laid upon the said shares, according to the provisions of their charter, and the governor is hereby authorized to draw his warrant therefor: *provided*, that the said treasurer shall not pay any assessment on the shares so taken, by the Commonwealth, in the capital stock of said corporation, until three fourths of such assessment on the other two thirds of the shares, held by individuals, in said capital stock shall have been paid in, which payment shall be made to appear by the certificate of the directors of said corporation, filed in the office of the treasurer of the Commonwealth: *and provided further*, that the said corporation in regard to the right of the Commonwealth, to purchase the said rail-road, shall be subject to the provisions of the eighty-fourth section of the thirty-ninth chapter of the Revised Statutes, passed on the fourth day of November, one thousand eight hundred and thirty-five, any thing contained in the fourteenth section of their act of incorporation, to the contrary notwithstanding.

Treasurer not to pay until, &c.

SEC. 3. The annual meeting of said corporation shall, after the second Monday of June next, be holden on the second Wednesday of February, and the number of directors shall be nine, three of whom shall be annually chosen by the legislature, by joint ballot of the two houses, and the residue by the stockholders, at their annual meeting, and the directors so chosen by the legislature at the present session, shall be directors from and after the second Monday of June next, and until others are chosen.

Number of directors, &c.

[Approved by the Governor, April 4, 1836.]

CHAP. CXXXII.

An Act to incorporate the West Stockbridge Rail Road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Henry P. Boynton, Robbins Kellogg, and Erastus Crocker, their associates and successors, are hereby made a corporation, by the name of the West Stockbridge Rail Road Corporation, with all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in that part of the thirty-ninth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, which relates to Rail Road Corporations, and in the forty-fourth chapter of said Revised Statutes.

Route of the rail
road.

SEC. 2. The said corporation may lay out and construct a rail road, commencing on the west line of this state, in the town of West Stockbridge, near the intersection of said line with the turnpike road to Albany, and extending in as direct a line as is convenient and practicable, to the county road near Hinman's Bridge, thence to, or into the village of West Stockbridge, or some convenient place for a depot near the same.

Amount of stock.

SEC. 3. The capital stock of said corporation shall not exceed seventy-five thousand dollars, and shall be divided into shares of one hundred dollars each : and they may invest and hold such part there-

of in real estate, as may be necessary and convenient for the purposes of their incorporation.

SEC. 4. If the said corporation be not organized, and the location of their road filed according to law, on or before the first day of December, in the year one thousand eight hundred and thirty-seven, or if said road be not completed on or before the first day of December, in the year one thousand eight hundred and thirty-nine, this act shall be void.

When to be completed.

SEC. 5. The said corporation shall so construct their road as to make it practicable for any other rail roads leading from the state of New York, to unite with the same, at the western line of this state; and they shall not grant or allow, to the proprietors of any such rail road, any exclusive privilege on the same, over the proprietors of any other rail road from the same state. And the said West Stockbridge Rail Road Corporation shall permit the Western Rail Road Corporation to unite their road or any branch thereof with, and to enter upon the same in any part thereof, and to use the same, paying such a sum therefor as the legislature shall prescribe, and complying with such regulations and rules as the directors of the said West Stockbridge Rail Road Corporation may, from time to time, prescribe by virtue of the eighty-third section of the thirty-ninth chapter of the said Revised Statutes.

Other rail roads may unite on certain conditions.

SEC. 6. The said Western Rail Road Corporation may, at any time, on or before the first day of December, in the year one thousand eight hundred and thirty-nine, assume and purchase the rail road hereby authorized to be made, and hold and use the same as a part of their main road, or as a branch thereof; or a part thereof as a portion of their main road, and the residue as a branch thereof, upon pay-

The western rail road may purchase this road, &c.

ing to the said West Stockbridge Rail Road Corporation such a sum as will reimburse them the amount of capital paid in and expended thereon, with interest from the time of payment thereof by the stockholders, to the time of such purchase.

And upon such payment, or a tender thereof, the said West Stockbridge Rail Road Corporation shall assign and convey to the said Western Rail Road Corporation the said road, with all the privileges thereto belonging, and thereafter, the said Western Rail Road Corporation may hold and use the same under the provisions of their act of incorporation as fully as if they had originally located and constructed said road under said act; and in that event this act shall be void.

[Approved by the Governor, April 5, 1836.]

CHAP. CXXXIII.

An Act to incorporate the Beverly Female Charitable Society.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Mary Weld, Nancy Bridge, and Charlotte Rantoul, their associates and successors, are hereby made a corporation, by the name of "the Beverly Female Charitable Society," with power to take and hold by subscription, gift, grant, purchase, bequest or otherwise, personal and real estate,

not exceeding in amount, at any one time, ten thousand dollars, the funds so held, and the income thereof, to be expended and to be applied so as best to promote the objects of the society, subject to the provisions of the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The treasurer of said society shall be a single woman, of the age of twenty-one years or upwards.

SEC. 3. Every married woman belonging to said society, who shall receive any of the money or other property of said society, shall thereby render her husband accountable therefor to said society.

[Approved by the Governor, April 5, 1836.]

CHAP. CXXXIV.

An Act in addition to an Act to incorporate the
Boston Steam Factory.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Boston Steam Factory, in addition Personal estate. to the powers already granted to them, are hereby empowered to hold the sum of seventy thousand dollars personal estate, for the purpose of carrying on and extending their manufacture of India rubber goods, or goods in which gum-elastic is a component part.

SEC. 2. The said Boston Steam Factory shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 5, 1836.]

CHAP. CXXXV.

An Act to incorporate the Massachusetts Mining Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Edward Eldridge, William B. Dorr, and Ralph S. Dorr, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Mining Company, for the purpose of digging and mining for coal and other minerals, and for metals within the counties of Bristol and Norfolk, and for converting the same to useful purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty

thousand dollars, and the whole capital stock of said company, shall not exceed the sum of seventy-five thousand dollars.

[Approved by the Governor, April 5, 1836.]

CHAP. CXXXVI.

An Act to incorporate the Amherst Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Thomas Jones, Marshall S. Jones and Daniel W. Willard, their associates and successors, Persons incorporated. are hereby made a corporation, by the name of "the Amherst Manufacturing Company," for the purpose of manufacturing woollen, cotton and other goods, in the town of Amherst, in the county of Hampshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold real es- Estate. tate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of one hundred thousand dollars.

[Approved by the Governor, April 5, 1836.]

CHAP. CXXXVII.

An Act concerning the Returns of County Commissioners.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The county commissioners of the several counties in the Commonwealth, shall annually transmit to the secretary, with the estimates for county taxes, as provided for in the fourteenth chapter of the Revised Statutes, a statement of the amount of borrowed money due from their respective counties, and also the amount of taxes due and unpaid to said counties, at the time of making said estimates.

[Approved by the Governor, April 5, 1836.]

CHAP. CXXXVIII.

An Act to incorporate the Boston Pearl Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. George Odiorne, Parker H. Pierce, and Edward D. Clark, their associates and successors,

are hereby made a manufacturing corporation, by the name of the "Boston Pearl Manufacturing Company," for the purpose of manufacturing articles composed wholly or in part of pearl, within the city of Boston; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the ^{Estate.} purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of eighty thousand dollars.

[Approved by the Governor, April 5, 1836.]

CHAP. CXXXIX.

An Act to incorporate the Massachusetts Hemp Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. J. W. Lewis, John Goulding, and J. W. Harris, their associates and successors, are hereby made a manufacturing corporation, by the name of the Massachusetts Hemp Company, for the purpose of spinning hemp and flax, and manufacturing cordage, duck, hemp, bagging, twine and lines, in the

<sup>Persons incorpo-
rated.</sup>

city of Boston, within the county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, April 5, 1836.]

CHAP. CXL.

An Act to incorporate the Argus Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Robert G. Shaw, James Harris, and Charles W. Cartwright, their associates and successors, are hereby made a manufacturing corporation, by the name of the Argus Manufacturing Company, for the purpose of manufacturing hemp, flax and other vegetable fibrous substances, in the counties of Suffolk and Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revis-

ed Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the Estate. purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred and fifty thousand dollars.

[Approved by the Governor, April 5, 1836.]

CHAP. CXLI.

An Act to incorporate the Worthen Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Thomas Bailey, Robert Cross, Daniel Persons incorpo-
Long, and their associates and successors, are hereby made a manufacturing corporation, by the name of the Worthen Manufacturing Company, for the purpose of manufacturing cotton, by the application of steam power, in the town of Amesbury, in the county of Essex ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said corporation, shall not exceed the amount of sixty thousand dollars.

[Approved by the Governor, April 5, 1836.]

CHAP. CXLII.

An Act to incorporate the Arkwright Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Jesse Fox, Sidney Spaulding, and William W. Wyman, their associates and successors, are hereby made a manufacturing corporation, by the name of the Arkwright Company, for the purpose of improving and manufacturing machinery, either in the county of Suffolk or Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, April 5, 1836.]

CHAP. CXLIII.

An Act to incorporate the Mansfield Coal Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. James L. Hodges, Elkanah Bates, and Nathaniel Dorr, their associates and successors, are hereby made a corporation, by the name of the Mansfield Coal Company, for the purpose of digging and mining for coal and other minerals, within the counties of Norfolk and Bristol, and of converting the same to useful purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five. Persons incorporated.

SEC. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and personal estate to the amount of fifty thousand dollars. Estate.

[Approved by the Governor, April 5, 1836.]

CHAP. CXLIV.

An Act to incorporate the Agawam Canal Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Charles Ely, Joseph S. Stebbins, and Henry P. Kent, their associates and successors, are hereby made a corporation, by the name of the Agawam Canal Company, for the purpose of creating water power, and manufacturing machinery in the town of West Springfield, in the county of Hampden, and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year of our Lord one thousand eight hundred and thirty-five.

Estate.

SEC. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said company shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, April 5, 1836.]

CHAP. CXLV.

An Act to incorporate the Maverick Water Power Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Stephen Locke, Benjamin Lamson and Joseph Ripley, their associates and successors, are hereby made a corporation, by the name of the Maverick Water Power Company, for the purpose of constructing a dam across the basin at East Boston, so as to enclose the water within the same, thereby to create a power for mechanical or manufacturing purposes, with authority to construct all necessary sluiceways, causeways and other works, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

Estate.

[Approved by the Governor, April 5, 1836.]

CHAP. CXLVI.

An Act for increasing the Capital Stock of the Boston and Lowell Rail-road Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Returns to be under oath.

State may purchase rail-road after 20 years, &c.

The capital stock of the Boston and Lowell Rail-road Corporation be further increased, six hundred shares of five hundred dollars each. *Provided*, that the annual report required to be made to the legislature by the directors, shall be under oath of the directors ; and the legislature may at all times examine into the books and doings of said corporation ; and may further, after twenty years from the opening of said rail-road for use, purchase of the said corporation, the said rail-road, and all the franchise, property, rights and privileges of the corporation, by paying them therefor, such a sum, as, together with the whole sum received by said corporation, from tolls and all other sources of profit, will reimburse them the amount of capital paid in, for constructing and keeping in repair said rail-road, and other necessary expenses, with a net profit thereon of ten per cent. per annum, any thing contained in the twelfth section of their act of incorporation, passed on the fifth day of June, one thousand eight hundred and thirty, or in the first section of an additional act, passed on the fifth day of March, one thousand eight hundred and thirty-two, to the contrary notwithstanding. *And provided, also*, that the legislature may, at all

times, exercise the same powers in relation to altering, amending, or repealing the said original act of incorporation, or any act in addition thereto, as are contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five; except that the tolls shall not be so fixed or altered, as to reduce the net profits arising from all sources, to less than ten per cent. per annum. *And provided,* ^{Proviso.} *also,* that said last named proviso shall be null and void, unless the same shall be assented to by a majority of the stockholders of said corporation, within thirty days from the time when this act shall take effect.

[Approved by the Governor, April 6, 1836.]

CHAP. CXLVII.

An Act to establish an Institution for Savings in Sturbridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Calvin P. Fiske, Simeon A. Drake and Horatio N. Drake, their associates and successors, are hereby made a corporation by the name of "The Sturbridge Institution for Savings," to be established in the town of Sturbridge, in the county of Worcester, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the

Persons incorporated.

thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 6, 1836.]

CHAP. CXLVIII.

An Act to incorporate the New England Knitting Machine Company.

Persons incor-
porated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Thomas J. Whittemore, Charles Willis, and George C. Barrett, their associates and successors, are hereby made a corporation, by the name of "the New England Knitting Machine Company," for the purpose of vending and making McMullen and Hollens' patent knitting machine, and for manufacturing hosiery and other knit work, in the city of Boston, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said company shall not exceed fifty thousand dollars.

[Approved by the Governor, April 6, 1836.]

CHAP. CXLIX.

An Act to continue in force an act to incorporate the
Suffolk Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The statute of the year one thousand eight hundred and eighteen, incorporating the Suffolk Insurance Company, and the several acts in addition thereto shall be continued and remain in force for the term of twenty years, from and after the thirteenth day of February, in the year one thousand eight hundred and thirty-eight, and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-seventh chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 6, 1836.]

CHAP. CL.

An Act to extend the time for paying in the Capital Stock of the India Fire and Marine Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time wherein the Capital Stock of the India Fire and Marine Insurance Company, is by law required to be paid in, is hereby extended to the twenty-fifth day of March, in the year one thousand eight hundred and thirty-seven.

[Approved by the Governor, April 6, 1836.]

CHAP. CLI.

An Act to incorporate the Keith Iron Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Levi Keith, Jr., Zenas Keith, Jr., Sylvanus L. Mitchell, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Keith Iron Company," for the purpose of rolling and slitting iron, and the manu-

facture of nails and tacks in the town of East Bridgewater, in the county of Plymouth; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the ^{Estate.} purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, April 6, 1836.]

CHAP. CLII.

An Act to incorporate the Midneag Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Caleb Rice, Charles Ely and Joseph S. Stebbins, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Midneag Manufacturing Company," for the purpose of manufacturing cotton, wool and machinery, in the town of West Springfield, in the county of Hampden; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the

Persons incorpo-
rated.

thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred and fifty thousand dollars.

[Approved by the Governor, April 6, 1836.]

CHAP. CLIII.

An Act to incorporate the "Neponset Paper Mills."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

*Persons incor-
porated.*

SEC. 1. Silas Smith, Ellis Morse and Warren Lewis, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Neponset Paper Mills," for the purpose of manufacturing paper in the town of Walpole, in the county of Norfolk ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of for-

ty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of eighty thousand dollars.

[Approved by the Governor, April 6, 1836.]

CHAP. CLIV.

An Act in addition to an act, regulating the inspection of Pickled Fish.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. There shall be three numbers of mackerel, those of best quality not mutilated of suitable size, free from rust, taint, or damage, shall be branded number *one* ; the next best quality of suitable size, free from rust, taint, or damage, shall be branded number *two* ; those that remain after the above selections of suitable size, free from taint or damage, shall be branded number *three* ; those of this number that are of the description, called Block island mackerel, shall also be branded with the word *South* ; all mackerel of less than ten inches in length, being free from taint or damage, shall be branded number three, small. Branding.

SEC. 2. So much of the seventy-third section of the twenty-eight chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, as is inconsistent with this act, is hereby repealed.

[Approved by the Governor, April 6, 1836.]

CHAP. CLV.

An Act to incorporate the Mills Steam Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Stephen Webster, Enoch W. Osgood, and Zebedee Morrill, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Mills Steam Company," for the purpose of manufacturing machinery by steam power, in the towns of Salisbury and Amesbury, in the county of Essex; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of ten thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of twenty-five thousand dollars.

[Approved by the Governor, April 6, 1836.]

CHAP. CLVI.

An Act to incorporate the Warren Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Jacob Saunders, Ira Brown, Albert Howe, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Warren Company," for the purpose of manufacturing cotton goods in the town of Townsend, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

Estate.

[Approved by the Governor, April 8, 1836.]

CHAP. CLVII.

An Act to extend the time for paying in the Capital Stock of the "Bowdoin Insurance Company in Boston."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time wherein the capital stock of the Bowdoin Insurance Company is by law required to be paid in, is hereby extended to the twenty-fifth day of March, in the year one thousand eight hundred and thirty-seven.

[Approved by the Governor, April 8, 1836.]

CHAP. CLVIII.

An Act further to regulate the Fisheries in Mystic River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The inhabitants of the town of Medford may hereafter take shad and alewives in the Mystic river, on the flood as well as on the ebb tide, on Wednesday of each week, between the first day of March

and the last day of June, inclusive, any thing in the "act of February fourteenth, in the year eighteen hundred and twenty-one," for the regulation of the shad and alewife fishery in Cambridge, Charlestown, Medford and West Cambridge, to the contrary notwithstanding.

[Approved by the Governor, April 8, 1836.]

CHAP. CLIX.

An Act to incorporate the Proprietors of the Amherst Female Seminary.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Heman Humphrey, Edward Hitchcock and Solomon Pitkin, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Amherst Female Seminary, to be established in the town of Amherst, in the county of Hampshire, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold real estate to the amount of ten thousand dollars, and personal estate to the amount of ten thousand dollars, to be devoted exclusively to the purposes of education.

Estate.

[Approved by the Governor, April 8, 1836.]

CHAP. CLX.

An Act to increase the Capital Stock of the Granite Railway Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Granite Railway Company are hereby authorized to increase their capital stock by the addition of one hundred and fifty thousand dollars, and to divide their whole capital stock into any number of shares, not exceeding twenty-five hundred.

[Approved by the Governor, April 8, 1836.]

CHAP. CLXI.

An Act to incorporate the Hampshire and Hampden Mining Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Forrest Shepherd, John B. Gray and Ephraim M. Cunningham, their associates and successors, are hereby made a corporation, by the name of the Hampshire and Hampden Mining Company. for the purpose of exploring, quarrying and mining

for iron, marble and lime, and other minerals and metals, within the counties of Hampshire and Hampden, in this Commonwealth, and converting the same to useful purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold such real Estate. estate, not exceeding one hundred thousand dollars in value, and such personal estate, not exceeding fifty thousand dollars in value, as may be necessary to carry into effect the purposes aforesaid.

[Approved by the Governor, April 8, 1836.]

CHAP. CLXII.

An Act to incorporate the Proprietors of the Marlboro' Chapel in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Willard Sears, Amasa Walker and Increase S. Persons incorpo-
Withington, their associates and successors, are hereby made a corporation, by the name of the Marlboro' Chapel in Boston, with all the powers and privileges, and subject to the duties and liabilities incident to religious societies in this Commonwealth, with power to hold real and personal estate, to an Estate.
amount including their chapel and the land under

and appurtenant to the same, not exceeding in value the sum of eighty thousand dollars, and the same to sell, mortgage, or otherwise dispose of: *provided* the income thereof be appropriated exclusively to parochial purposes.

[Approved by the Governor, April 8, 1836.]

CHAP. CLXIII.

An Act to incorporate the Chicopee Falls Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Persons incor-
porated.

SEC. 1. David M. Bryant, David Bemis, George W. Buckland, their associates and successors, are hereby made a manufacturing corporation, by the name of "the Chicopee Falls Company," for the purpose of manufacturing machinery in the town of Springfield, in the county of Hampden, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty-five thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of seventy-five thousand dollars.

[Approved by the Governor, April 8, 1836.]

CHAP. CLXIV.

An Act to incorporate the Patent Cork Manufactory.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John Henshaw, Ebenezer C. Leman Persons incorpo-
rated. and Jonathan Cutter, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Patent Cork Manufactory," for the purpose of manufacturing corks in the city of Boston, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the Estate. purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of one hundred thousand dollars.

[Approved by the Governor, April 8, 1836.]

CHAP. CLXV.

An Act to incorporate the "Beaver Brook Manufactory."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Willard Sayles, Ebenezer T. Andrews and Francis Skinner, their associates and successors, are hereby made a manufacturing corporation, by the name of the "Beaver Brook Manufactory," for the purpose of manufacturing cotton and woollen goods, in the town of Dracut, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, April 8, 1836.]

CHAP. CLXVI.

An Act to incorporate the Proprietors of the Protestant Episcopal Church in Worcester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Thomas H. Vail, Ira Barton and Edward F. Dixie, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Protestant Episcopal Church in Worcester, with power to hold real and personal estate to an amount not exceeding the value of twenty thousand dollars: *provided*, the same be appropriated exclusively to parochial purposes.

[Approved by the Governor, April 8, 1836.]

CHAP. CLXVII.

An Act confirming the doings of the Proprietors of Union Wharf, in the recent construction of the abutment at the end thereof.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The doings of the proprietors of the wharf in the

Proviso.

city of Boston, (now called and known by the name of Union Wharf,) in the constructing of the head or abutment of said wharf, made since the last session of the general court, are hereby ratified and confirmed, and the said proprietors shall possess and enjoy the same as a part of said wharf, and shall have the right and privilege of using and occupying the flats adjacent to said head or abutment, at the ends and sides thereof, in the same manner in which they have hitherto had the right to use and occupy the flats or docks adjoining the other portions of said wharf: *provided*, that neither they nor their assigns shall have or claim any right to use and occupy the flats on the south side of said head or abutment, beyond a line drawn in continuation of the boundary line, established by the first section of the act authorizing the extension of said wharf, passed on the twenty-seventh day of February, in the year one thousand eight hundred and twenty-nine: *and provided also*, that nothing herein contained shall be so construed as to authorize said proprietors to lessen or injure the rights or property of any other person or persons whatsoever.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXVIII.

An Act to incorporate the Eliot Society in Roxbury.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John Heath, William G. Lambert and Alvah Kittredge, together with all persons who are subscribers to the stock, or who now are, or shall hereafter become proprietors of pews in the meeting-house, situated in Kenilworth street, in Roxbury, are hereby made a corporation, by the name of the Eliot Society in Roxbury, with all the powers and privileges, and subject to all the duties and liabilities incident to religious societies in this Commonwealth, and with power to hold real and personal estate, the income of which, exclusive of their said meeting-house, and the land under and appurtenant to the same, shall not exceed the sum of two thousand dollars per annum : *provided*, the same shall be applied exclusively to parochial purposes.

Persons incorporated.

Estate.

SEC. 2. Said society may assess upon the pews, in said house, according to a valuation thereof, to be agreed upon by said society, such sums as shall be by them voted to be raised for the support of public worship, in said house, and other parochial charges of said society ; and all such assessments may be collected, in the manner provided by the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes, passed

Assessment on pews.

the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXIX.

An Act to incorporate the Quinsigamond Paper Mills Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Isaac Goddard, Orlow Brown, Gardner S. Burbank, their associates and successors, are hereby made a manufacturing corporation, by the name of the Quinsigamond Paper Mills Company, for the purpose of manufacturing paper and books, in the town of Worcester, in the county of Worcester, and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXX.

An Act to incorporate the Eagle India Rubber Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Jacob Richardson, Samuel Sweetser, and Edward Haynes, Jr., their associates and successors, are hereby made a manufacturing corporation, by the name of the Eagle India Rubber Company, for the purpose of manufacturing, in the county of Norfolk, or Middlesex, goods, merchandize and other articles, the component stock of which will be wholly or in part, India rubber or gum elastic, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

Estate.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXI.

An Act to extend the time for paying in the Capital Stock of the South Boston Fire and Marine Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time wherein the capital stock of the South Boston Fire and Marine Insurance Company is by law required to be paid in, is hereby extended unto the twenty-sixth day of February, in the year one thousand eight hundred and thirty-seven.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXII.

An Act to establish the Citizens Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Calvin Willard, Stephen Salisbury and Hervey Blashfield, their associates and successors, are hereby made a corporation, by the name of the President and Directors and Company of the Citizens Bank, to be established in the town of Worces-

ter, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking-house and in its books.

SEC. 3. The capital stock of said corporation Amount of stock. shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be When to be paid in. paid in on or before the first day of January next.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXIII.

An Act to increase the Capital Stock of the Fairhaven Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The President, Directors and Company of the Fairhaven Bank, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in

When to be paid
in.

such instalments as the president and directors of said bank may direct and determine : *provided*, that the whole amount shall be paid in on or before the first day of October next.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXIV.

An Act to incorporate the Proprietors of the Elm street Baptist Meeting-house in Worcester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. John Flagg, Isaac Davis and Daniel Goddard, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Elm street Baptist Meeting-house in Worcester, with all the powers and privileges, and subject to all the duties and liabilities incident to religious societies in this Commonwealth, with power

to hold real estate to the amount of twenty thousand dollars, and personal estate to the amount of two thousand dollars, provided the same be appropriated exclusively to parochial purposes. Estate.

SEC. 2. Said proprietors may assess upon the pews in their meeting-house, according to a valuation thereof, first to be agreed upon by them and recorded, such sums as shall be necessary for the support of public worship in said house and other parochial charges, and all such assessments may be collected in the manner provided by the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five. Assessment.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXV.

An Act to incorporate the Sutton Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. George B. Slater, George L. Wardwell and Benjamin Hoppin, their associates and successors, are hereby made a manufacturing corporation, by the name of the Sutton Manufacturing Company, for the purpose of manufacturing, bleaching and printing cotton, woollen and silk Persons incorporated.

fabrics, and making machinery in the town of Sutton, in the county of Worcester; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred and fifty thousand dollars, and the whole capital stock of said corporation, shall not exceed the amount of three hundred thousand dollars.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXVI.

An Act to authorize the Proprietors of Wilkinson and Pratt's Wharf to extend the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Boundaries.

The proprietors of the wharf, in the city of Boston, now called and known by the name of Wilkinson and Pratt's Wharf, are hereby authorized and empowered to extend and maintain the said wharf straight into the harbor channel, as far as to a line drawn straight from the present northeasterly corner of Lewis' Wharf, so called, to a point on the northerly end of said line, intersected by the southeasterly line or side of Union Wharf, extended straight as far

as the proprietors of said Union Wharf are authorized to extend the same, by an act entitled "an act to authorize the proprietors of Union Wharf to extend the same," passed on the twenty-seventh day of February, in the year one thousand eight hundred and twenty-nine; and that the proprietors of the said Wilkinson and Pratt's Wharf shall have and enjoy the right and privilege of laying vessels at the southerly side and at the end of their said wharf, and receiving dockage and wharfage therefor: *provided*, that so much of said wharf as may be constructed in said channel, shall be built on piles: *and* Wharf to be on piles. *provided*, that nothing herein contained shall be construed to authorize the proprietors of said Wilkinson and Pratt's Wharf to lessen or injure the rights or property of the owner or owners of any wharf or wharves adjoining said Wilkinson and Pratt's Wharf.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXVII.

An Act to incorporate the Andrews Fishing Company in Harwich.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. Elijah Small, Obed Brooks, Alvan Walker, their associates and successors, are hereby made a corporation, by the name of the Andrews Fishing Company in Harwich, for the purpose of making Persons incorporated.

the necessary improvements for the preservation and taking of fish called alewives, in Andrews' river, in said Harwich, and, for that purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Penalties for taking the fish without permission.

SEC. 2. If any person, without the permission of the corporation, shall take, catch, or haul on shore, any of said fish in said river, or the pond from which said river issues, or within one fourth of a mile, in any direction, from the mouth of said river, he shall forfeit and pay a fine not exceeding five dollars for each offence, if the quantity so taken be less than one barrel, but if the quantity be more than one barrel, such person so offending shall forfeit and pay for each barrel of fish so taken, five dollars, for the use of said corporation, to be recovered in any court proper to try the same, nor shall said corporation haul on shore any fish within one fourth of a mile from the mouth of said river, under the penalty of twenty-five dollars for each offence.

SEC. 3. Said corporation may, at their own expense, make a free passage for said fish into the mill-pond at the head of said river, for the space of fifteen days, annually, in the month of April or May: *provided*, they do not injure the owner of the dam now erected upon said river.

SEC. 4. If any damage shall be done by said corporation to the property of any individual, not a member of the corporation, such individual shall be entitled to reasonable damage therefor.

SEC. 5. All persons who now are, or shall hereafter be, owners of land adjoining said river, may

become members of said corporation, subject, however, to pay their proportional part of the expenses which shall have been incurred by said corporation before the time of their admission.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXVIII.

An Act to change the name of the First Methodist Episcopal Society in Randolph.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The First Methodist Episcopal Society in Randolph shall, hereafter, be called and known by the name of the Second Baptist Society in Randolph, and as such shall be entitled to all the rights and privileges, and subject to all the duties and liabilities of the said Methodist Episcopal Society.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXIX.

An Act in addition to an Act to establish the District of Marshpee.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. In addition to the officers which the district of Marshpee now is empowered to elect at their annual meeting in said district, by the act to which this is an addition, there shall be chosen, in the same manner as other district officers are now chosen in said district, two or more field drivers, two or more fence viewers, and one or more pound keepers, who shall be proprietors, and shall have all the powers, and be subject to all the liabilities and restrictions set forth in the nineteenth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, so far as the same is consistent with the provisions of the act establishing the district of Marshpee.

SEC. 2. The proprietors of said district shall have all the powers, and be subject to all the liabilities in relation to erecting and maintaining pounds in said district, which are set forth in the chapter of the Revised Statutes above referred to.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXX.

An Act to incorporate the Brewster Harbor Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Strabo Clark, Abraham Winslow, Frederick Winslow, their associates and successors, are hereby made a corporation, by the name of the Brewster Harbor Company, for the purpose of widening, deepening and rendering navigable, Mill creek, so called, in the town of Brewster, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five. Persons incorporated.

SEC. 2. Said corporation may hold real estate to the amount of five thousand dollars, and personal estate to the amount of five thousand dollars ; and may build a dam or dams across the said Mill creek, thereby to raise a head of water, in the most eligible and convenient place on said creek, to be let off at low water for the purpose of clearing and deepening the said creek and channel into Barnstable Bay : Estate. Dams.
provided, that said corporation shall, in no way, interfere with any private rights, nor obstruct any town road or public highway to or across said creek, nor interrupt the passage of alewives up the same, nor interfere with the present rights of individuals, or

the said town of Brewster, to take the said alewives upon the said creek.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXI.

An Act to establish the India Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Alfred Richardson, Thomas D. Bradlee and Francis Watts, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the India Bank, to be established in Boston, and shall so continue, until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock of said company shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of one million dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in, on or before the first day of January next.

When to be paid
in.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXII.

An Act to authorize the Taunton Copper Manufacturing Company to increase their Capital Stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The Taunton Copper Manufacturing Company are hereby authorized to take and hold, for the purpose of prosecuting the business of said corporation, real estate to an amount not exceeding seventy-five thousand dollars in value, and the whole capital stock of said company shall not exceed the amount of two hundred and fifty thousand dollars; the said corporation to have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five. Estate.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXIII.

An Act making the Pews in the Meeting-house of the First Universalist Society in Roxbury, personal estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Pews in the Meeting-house of the First Universalist Society in Roxbury shall hereafter be deemed and taken to be personal estate ; and the present proprietors shall hold the same under their respective deeds ; but the mode of future transfers shall be determined by the by-laws of said corporation, and no conveyance shall be valid until the same be entered on the records of the corporation.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXIV.

An Act to incorporate the Proprietors of the Baptist Meeting-house at the Upper Falls in Newton.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

Jesse Winslow, Isaac Keyes and Ira M. Bullens, their associates and successors, are hereby made a corpora-

tion, by the name of the Proprietors of the Baptist Meeting-house at the Upper Falls in Newton, with power to hold real and personal estate, to an amount not exceeding ten thousand dollars: *provided*, the same be appropriated exclusively to parochial purposes, which said property may be divided and holden by said proprietors, in shares of not less than thirty, nor more than one hundred dollars each.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXV.

An Act to incorporate the Proprietors of Sargent's Wharf in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Daniel Sargent, Henry Sargent and Lucius Manlius Sargent, their associates and successors, are hereby made a corporation, by the name of the Proprietors of Sargent's Wharf, with power to purchase and hold, in fee simple or otherwise, all or any part of that real estate situated at the northeasterly part of Boston, and commonly known by the name of Sargent's Wharf, bounded westerly upon Ann street, northerly, in part, by a passageway, in part by land of Daniel Ballard, and, in part, by land or flats adjacent to the estate called Union Wharf, easterly, by the sea, and southerly, in part, by land or flats adjacent to the estate of Wilkinson and

Persons incorporated.

Boundaries of wharf.

Pratt, in part by land of the same persons, and in part by land of Joseph Urann to Ann street, with all the privileges and appurtenances to the said premises belonging ; and the said corporation within the limits aforesaid, may construct docks and wharves, erect warehouses and buildings, and improve and manage the said property as to them may seem expedient ; *provided, however*, that nothing herein contained, shall authorize the said corporation to infringe upon the legal rights of any person.

Amount of stock.

SEC. 2. The said corporation may, at any legal meeting, agree upon the number of shares, not exceeding two hundred, into which their stock shall be divided, which shares shall be transferable in a book to be kept by the clerk of the corporation for that purpose ; the corporation may, from time to time, assess on the stockholders such sums of money, not exceeding, in the whole, two hundred thousand dollars, as may be necessary for the purchase, improvement and management of their said estate, and shall have all the powers and privileges, and be subject to all the liabilities and duties expressed and contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXVI.

An Act to incorporate the Boston and Millbury
Water Power and Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Asa H. Waters, William Tucker and Daniel Denny, their associates and successors, are hereby made a manufacturing corporation, by the name of the Boston and Millbury Steam Power and Manufacturing Company, for the purpose of manufacturing woollen, and manufacturing and printing cotton goods, and making paper, in the town of Millbury, in the county of Worcester; and for these purposes shall have all the power and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

Estate.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXVII.

An Act to establish the Charlestown Branch Rail-road Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Henry Jaques, Abijah Goodridge and Hamilton Davidson, their associates and successors, are hereby made a corporation, by the name of the Charlestown Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in that part of the thirty-ninth chapter of the Revised Statutes, passed November the fourth, in the year one thousand eight hundred and thirty-five, which relates to rail-road corporations, and in the forty-fourth chapter of said Revised Statutes. And the said corporation is hereby authorized and empowered to locate, construct, and finally complete a rail-road, the centre line of which shall be as follows, to wit : beginning at Swett's Wharf in Charlestown, at a point not less than ninety feet nor more than one hundred feet from Water street ; thence running westerly, about parallel with Water street, nearly to Main street : thence, by a curve of about five hundred and fifty feet radius, about two hundred and sixty-five feet, nearly to Warren avenue ; thence, by a curve, (running between high water mark and low water mark, so that said road shall pass south-westerly of the solid part of the wharves of John Harris and Richard

Route of rail-
road.

Devens) to a point near the southerly corner of the land or wharf of the state prison; thence running north-westerly by a straight line, across the bay to land of the McLean asylum, or the "Joy land," so called; and thence, by a curve of about six hundred and forty feet radius, to a point on the Boston and Lowell rail-road, near the "one mile post," so called, in such manner and form as a majority of said corporation, or of the directors thereof, shall deem expedient. And the said corporation may extend said rail-road easterly across said Swett's wharf to the navy yard in Charlestown, or any part of that distance, when and as a majority of said corporation, or of the directors thereof, shall think proper. *Provided*, that they shall first obtain the consent thereto of the selectmen of the town of Charlestown, and of the owners of the lands over which said road, if so extended, would pass.

SEC. 2. The said corporation shall construct and maintain in their said rail-road, at the channel in the bay northwesterly of the state prison, a draw of at least twenty-seven feet in width, for the passing and repassing of vessels and boats, and shall erect and maintain on the south-westerly side of said rail-road, on the north-westerly side of said draw, a pier to be not less than one hundred and fifty feet in length; also, a pier on the north-easterly side of said rail-road, on the south-easterly side of said draw, not less than fifty feet in length, for the accommodation of vessels and boats; and each of said piers shall be suitably planked from high water mark to low water mark. And the said corporation shall keep the said draw and piers in good repair, and shall raise or open said draw, and afford all reasonable accommodation to vessels and boats having occasion to pass

Draw and piers.

Damages for detention, &c.

Room for the passage of boats.

Road may be built solid, except, &c.

through the same, by day or by night. And if any such vessel or boat shall be unreasonably detained in passing said draw, by the negligence of said corporation in constantly providing agents to discharge faithfully the duties enjoined by this act, the owner, commander, or person having the consignment of such vessel or boat, may recover reasonable damages therefor, of said corporation, in an action on the case before any court competent to try the same, and the said corporation shall also raise their said road at a point distant not more than one thousand feet north-westerly from a point in the Prison point bridge, distant forty-three feet south-westerly from the Prison wharf, so that, at the highest point of such elevation, there shall be the same space, in the clear, between the said rail-road and high water, as there now is in the clear between the highest point in said bridge and highwater. And said corporation shall leave an open space, not less than fifteen feet wide, in the clear between the piles or abutments, for the passage of boats under said elevated part of said road; and shall also leave between said bridge and the said elevated part of said rail-road, two other open spaces for the passage of boats under and at right angles with said road, each of which two last mentioned spaces shall be at least fifteen feet wide in the clear between the piles or abutments, and shall be left open as aforesaid in such places between said bridge and elevation; as shall be designated by the superintendent or agent of the Middlesex canal, who shall designate the same in writing, within thirty days after the directors of said company shall in writing request him to do so; and the said corporation may build the whole or any part or parts of said road solid or on piles, as they shall deem expe-

dient, except the parts thereof designated for any draw or draws, and excepting that they shall build on piles all that part of said road lying between a point distant four hundred feet north-westerly from said Prison point bridge, and a point distant one thousand feet north-westerly from said bridge, including the three spaces herein required to be kept open.

SEC. 3. The capital stock of said branch railroad company shall consist of not less than two thousand shares, nor more than five thousand shares, the numbers of which shall be determined from time to time by said corporation, or by the directors thereof; and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share. And the said corporation may purchase and hold such real estate, materials, engines, cars, and other things, as may be necessary for depots, for the use of said road, and for the transportation of persons, goods and merchandize. The capital stock of said corporation shall be two thousand shares, until that number shall be increased in the manner herein before provided. And if the said two thousand shares shall not have been subscribed for, and the corporation organized before the first day of January in the year one thousand eight hundred and thirty-seven, or if the location of said road shall not be filed according to law, or if the said company shall not complete the said road to the extent provided in the first section of this act, on or before the first day of January in the year one thousand eight hundred and thirty-eight, this act shall be void.

Number of shares.

Time of filing location and completion.

SEC. 4. The respective proprietors and owners of lands and wharves, which shall be crossed by

said rail-road, shall severally have the right to unite any rail-road, or rail-roads which they respectively may construct upon and over their own land and wharves, with the rail-road of said company at their own expense by turn tables or otherwise, as the directors shall deem most expedient, and at such points as the said proprietors shall respectively choose and designate, and said proprietors shall keep the same always in good order, and so as not to interrupt the free and safe passage of cars over the main road of said company. The said main-road shall be so constructed as easily to admit cars and other vehicles from said lateral rail-roads; and the owners or conductors of said cars and vehicles shall be liable to pay the same, and no other rates of toll, and be subject to the same rules, regulations and provisions, as the owners or conductors of other cars and vehicles travelling upon said main road.

SEC. 5. If the part of said rail-road, which shall be built across the Morrill estate, so called, shall be constructed on piles, there shall be made, and kept in repair, by said company, on such part of said estate as the warden of the state prison shall designate a draw, not less than twenty-eight feet in width, for the safe and convenient passing of vessels to and from the southeasterly wharf of said prison; and the said draw shall be opened in the same manner and under the same penalties, as are provided in the second section of this act concerning the draw therein required.

Entry upon the
Lowell rail-road.

SEC. 6. The said corporation are hereby authorized to enter, with their said branch rail-road, on that part of the Boston and Lowell rail-road, designated in the first section of this act, and use the

same, or any part thereof, paying therefor such a rate of toll as the legislature may from time to time prescribe, complying with such rules and regulations as may be established by the Boston and Lowell rail-road corporation, by virtue of the fifth section of their act of incorporation. But the corporation hereby created, shall enter the said Boston and Lowell rail-road, by such proper turn-outs or switches as will not unreasonably incommode the travel upon the said Boston and Lowell rail-road, and shall keep them in such a state as not to interfere with the free and safe use of said road, and shall pay all expenses incident to and in consequence of any alterations necessary in said Boston and Lowell rail-road, to enable them to enter upon it in a proper manner.

SEC. 7. His excellency the governor, by and with the advice and consent of the council, is hereby authorized to sell, exchange or otherwise dispose of, to the said corporation, such part of the land and flats owned by the Commonwealth, on the southeasterly and northwesterly sides of Austin street and of said Prison point bridge in Charlestown, and lying without the walls and fences of the state prison, in such manner, and upon such terms as they may deem for the interest of the Commonwealth; and also make such arrangements with said corporation, concerning the building of said branch rail-road, and the filling up of the flats in and upon the land of the Commonwealth, as shall be considered just and expedient. And said road shall not be made until his excellency the governor, by and with the advice and consent of the council, shall have approved of the location and proposed mode of building that part of said road which may

Sale of land belonging to the state, &c.

be constructed over the land and flats of the Commonwealth near the state prison.

SEC. 8. The act to establish the Charlestown Branch Rail-road Corporation, passed on the fourth day of April, in the year one thousand eight hundred and thirty-five, is hereby repealed.

SEC. 9. The said Charlestown Branch Rail-road Company, is hereby authorized to permit the Charlestown wharf company, by their president, to subscribe for any number of shares in the corporation hereby created, the cost of which, including all assessments which may be laid thereon, shall not be less than twenty-five thousand dollars, nor more than fifty thousand dollars. And the said Charlestown wharf company, is hereby authorized to subscribe, pay for, and hold the same, whenever a majority in interest of the stock-holders in the last named company shall consent thereto.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXVIII.

An Act to incorporate the Fall River Whaling Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. John Eddy, Bradford Durfee and Jason H. Archer, their associates and successors, are hereby made a corporation, by the name of the Fall River Whaling Company, for the purpose of

carrying on the business of obtaining and manufacturing oil, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the Estate. purpose aforesaid, real estate in the town of Fall River, not exceeding fifty thousand dollars in value, and personal estate not exceeding six hundred thousand dollars.

SEC. 3. The private property of the corporators or stockholders for the time being, and of those who shall be stockholders at the time when any debt shall be contracted, shall be holden for the payment of such debt, and may be taken therefor on any execution issued against the corporation for such debt in the same manner as on executions issued against them for their individual debts. Private property of stock-holders to be holden.

SEC. 4. Any stockholder who shall pay any debt of the corporation, for which he is made liable by this act, shall have the same remedies for the recovery of the amount so paid, or any portion thereof, as are provided in the thirty-second section of the thirty-eighth chapter of said Revised Statutes.

SEC. 5. The provisions of the thirty-eighth chapter of the Revised Statutes aforesaid, with the exception of the thirty-second section thereof, shall not be applicable to the corporation hereby created.

SEC. 6. Every certificate of shares in said company which shall be issued by the clerk of said corporation shall contain, printed on the back thereof, a copy of the provisions of the third section of this act. Certificate of shares.

[Approved by the Governor, April 9, 1836.]

CHAP. CLXXXIX.

An Act in addition to an Act to incorporate the Boston Book and Paper Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The proviso of the first section of an act to incorporate the Boston Book and Paper Manufacturing Company, passed on the twenty-seventh day of March, in the year one thousand eight hundred and thirty-three, which proviso is in the following words, to wit. "*Provided, however, that said company shall not print or publish any book of less size than duodecimo, nor any work in duodecimo, unless the same shall contain at least two thousand printed pages,*" is hereby repealed.

[Approved by the Governor, April 9, 1836.]

CHAP. CXC.

An Act to extend the time for the location and completion of the Worcester and Norwich Rail-road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time of filing location, and completion.

That the time limited in the eleventh section of the act incorporating the Worcester and Norwich

Rail-road Company, for filing with the county commissioners of the county wherein the same is located, the location of their rail-road, be so extended as to authorize said company to file their location as aforesaid, on or before the first day of July, in the year one thousand eight hundred and thirty-seven, and that the time for the completion of said rail-road be extended to the first day of July, in the year one thousand eight hundred and thirty-nine, and if said location be filed, and said rail-road be completed as aforesaid, said company shall continue to enjoy unimpaired all the rights and privileges granted by their charter. *Provided*, that the said corporation, in regard to the right of the Commonwealth to purchase said rail-road, shall be subject to the provisions of the eighty-fourth section of the thirty-ninth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five; any thing contained in the fifteenth section of their act of incorporation to the contrary notwithstanding.

[Approved by the Governor, April 9, 1836.]

CHAP. CXCI.

An Act to incorporate the Bellingham Steam Engine Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Joseph Cotton, H. H. W. Sigourney, Charles Hubbard, their associates and successors, are hereby made a manufacturing corporation, by the name of the Bellingham Steam Engine Company, for the purpose of manufacturing and working iron, steel and other metals, engines, boilers and machinery, and using and improving the same, and carrying on the business of the same, in the county of Suffolk ; and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of forty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, April 9, 1836.]

CHAP. CXCI.

An Act to establish the Lancaster Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Davis Whitman, Jacob Fisher, Jr. and Stephen P. Gardner, their associates and successors, are hereby made a corporation, by the name of the President Directors and Company of the Lancaster Bank, to be established in the town of Lancaster, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock of said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

When to be paid in.

[Approved by the Governor, April 9, 1836.]

CHAP. CXCIII.

An Act to establish the dividing line between the towns of Rochester and Fairhaven.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boundaries.

SEC. 1. The following described line is hereby established as the dividing line between the town of Fairhaven in the county of Bristol, and the town of Rochester, in the county of Plymouth, as follows : beginning at the Peaked Rock, so called, at the county road, thence thirty-nine rods to a stone monument set in the ground ; thence forty-two rods to a stone monument the south-west corner of Thompson and Lathrop's purchase ; thence east three hundred rods to an old white pine tree marked D. R., and a stone monument set by the side of said tree ; thence seventeen hundred ninety-seven and a half rods to a stone monument at Tripp's corner ; thence one hundred and seventy-four rods to a stone monument by Sanders's land ; thence six hundred and fifty-eight rods to a stone monument at Shaw's corner ; thence south two degrees thirty minutes west to a stone monument set in the beach by the sea ; said monuments are marked on the west by the letter F., and on the east by the letter R.

SEC. 2. The inhabitants, with the land and estates on the west side of said line heretofore belonging to Rochester, are hereby annexed and confirmed to the said town of Fairhaven. *Provided, neverthe-*

less, that the said inhabitants and estates shall be holden to pay all taxes which have legally been assessed upon them by the said town of Rochester; and also their proportion of the county tax which shall be assessed according to the valuation of said territory thus set off until a new valuation is taken.

Payment of taxes
already assessed.

[Approved by the Governor, April 9, 1836.]

CHAP. CXCIV.

An Act to increase the Capital Stock of the Springfield Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. The President, Directors and Company of the Springfield Bank are hereby empowered to increase their present capital stock, by an addition of one hundred and fifty thousand dollars thereto, in shares of eighty dollars each, which shall be paid in such instalments and at such times as the president and directors of said bank may direct and determine: *provided, however, that the whole amount shall be paid in on or before the first day of October next.*

When to be paid
in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital of said corporation is now subject.

SEC. 3. Before said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the president and directors, and

Certificate.

attested by the cashier, that the same has been actually paid into the bank, shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, April 9, 1836.]

CHAP. CXCV.

An Act to establish the Nantucket Oyster Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. George B. Upton, Frederick W. Mitchell and Philip H. Folger, their associates and successors, are made a corporation, by the name of the Nantucket Oyster Company, for the purpose of planting, propagating and digging oysters, in and from Capam and Sesacache Ponds, in the island of Nantucket, and, for that purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth and contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Penalty for tak-
ing oysters with-
out leave.

SEC. 2. The said corporation shall have the exclusive use of the ponds aforesaid, for the purpose of planting, propagating and digging oysters, for the term of twenty years ; and if any person shall dig for, in said ponds, or take therefrom, any oysters, during the term aforesaid, without leave of said corporation, he shall forfeit and pay a fine, not exceed-

ing five dollars for each offence, to the use of the complainant, to be recovered in any court proper to try the same.

SEC. 3. Said corporation may hold personal property to an amount not exceeding five thousand dollars.

[Approved by the Governor, April 9, 1836.]

CHAP. CXCVI.

An Act to establish the Warren Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Edward D. Peters, John L. Dimmock and Aaron Rice, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Warren Bank, to be established in the city of Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of five hundred thousand dollars, to be

Amount of stock.

When to be paid
in.

divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

[Approved by the Governor, April 9, 1836.]

CHAP. CXC VII.

An Act to establish the Blackstone Bank in the city of Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Ebenezer Smith, Samuel E. Robbins and John Liscomb, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Blackstone Bank, in the city of Boston, and shall so continue, until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the privileges and powers, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation, shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as

the stockholders may direct : *provided*, the whole be paid in, before the first day of January next. When to be paid in.

[Approved by the Governor, April 9, 1836.]

CHAP. CXCVIII.

An Act further regulating the Alewife Fishery in Weymouth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The right of taking the fish called alewives, in the town of Weymouth, and which right is now limited, by an act passed March the seventh, in the year one thousand eight hundred and one, to Mondays, Wednesdays and Fridays, shall hereafter, under the limitations and restrictions of the said act, be extended to Saturdays also.

[Approved by the Governor, April 9, 1836.]

CHAP. CXCIX.

An Act to incorporate the New Haven and Northampton Company.

Preamble.

WHEREAS, the Hampshire and Hampden Canal Company, and the president, directors and company of the Farmington Canal, incorporated by the state of Connecticut, having been associated and connected for the purpose of constructing a canal from New Haven to Northampton, have become deeply insolvent, and unable to sustain their canal, or meet the demands of their creditors; and whereas, with a view to putting and keeping said canal in repair, and securing, as far as possible, the interests both of stockholders and creditors, it has been proposed that the said companies should transfer their rights, privileges and powers to a new company, to be incorporated for that purpose, until the objects of such transfer shall have been fully accomplished:

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated.

SEC. 1. Samuel Hinckley, Samuel St. John and Justus Harrison, their associates and successors, are hereby made a corporation, by the name of the New Haven and Northampton Company.

Terms upon which the company may receive a conveyance of the franchises, &c. of the two canal companies.

SEC. 2. The company hereby created may receive from the said Hampshire and Hampden Canal Company, and from the said Farmington Canal

Company, a conveyance of all the franchises, rights, powers and privileges of said companies, and thenceforth hold, exercise and enjoy the same, within the respective limits of those companies, in as full and ample a manner to all intents and purposes as the same have been heretofore held, exercised and enjoyed by the said corporations respectively, upon the terms and conditions following, viz: 1. The capital stock of the company hereby created shall not exceed the sum of three hundred thousand dollars, to be divided into shares of twenty-five dollars each, of which five thousand four hundred shares, or one hundred and thirty-five thousand dollars shall be subscribed to be paid in cash. 2. Creditors of the Hampshire and Hampden Canal Company, and creditors of the Farmington Canal Company, and all persons having claims against said companies respectively may, within six months from the organization of the company hereby created, subscribe the amount of their claims, the same being first liquidated, to the stock of this company, upon such terms as this company may prescribe. 3. Within ninety days Same subject. from the organization of this company, public notice shall be given by the same, in some newspaper printed at Westfield, in the county of Hampden, and in some newspaper printed at Northampton, in the county of Hampshire, that the company being organized, books are opened at some convenient place in each of those counties to receive subscriptions from creditors, and, upon the actual transfer of the claims of such creditors, certificates shall be issued by the company of the stock thus subscribed for. 4. The company hereby created, from and after the organization thereof, and the conveyance of the franchises of said Hampshire and Hampden Ca-

Same subject.

nal Company and the Farmington Canal Company, shall be held to construct bridges, keep the canal in repair, and be subject to all future damages and liabilities, in the same manner and to the same extent, the said companies respectively would have been liable, had no such conveyance been made. 5. The company hereby created shall keep an accurate account of all moneys subscribed and paid, all claims assigned, and all moneys expended in taking possession of the canal, and managing and keeping it in repair, and of all their receipts and disbursements of every nature, which account shall be examined and audited in the month of December annually, at the expense of this company, by two commissioners to be appointed for that purpose, one by the governor of this Commonwealth, and the other by the governor of the state of Connecticut. 6. Whenever the said Hampshire and Hampden Canal Company and the Farmington Canal Company shall pay to the company hereby created, the full amount of all their debts assigned to it, and all such sums of money as this company may expend upon said canal, with interest on said debts and money expended, together with all expenses which may in any way arise, or be incurred by this company, in consequence of taking possession of said canal, superintending and managing the same, after deducting therefrom the income of said canal, then all the rights of this company shall cease, and all the right and title conveyed to it by the Hampshire and Hampden Canal Company and the Farmington Canal Company be restored and revested in those companies. And whereas, said Samuel Hinckley and others, in contemplation of an act of incorporation, have subscribed said sum of one hundred and thirty-five thousand dollars, payable in

cash to John Fitch, Esquire, part whereof is already paid, and most of the creditors of the Hampshire and Hampden Canal Company and the Farmington Canal Company respectively have subscribed the amount of their claims, and transferred their securities to said Fitch, in trust to hold, assign and deliver over the same to this company, when incorporated, upon the terms provided therefor :

SEC. 3. Whenever said Fitch shall assign and deliver over to the company hereby created the subscription moneys, debts and securities so made, paid and transferred to him as aforesaid, the said cash subscription shall be received and considered by this company as the subscription of one hundred and thirty-five thousand dollars herein before required, and such subscription of claims as also made under the provisions of this act, and each subscriber, entitled, upon the terms prescribed by this company, to one share, shall be considered a member thereof.

SEC. 4. The instalments upon that part of the stock subscription payable in cash may be called for at such times as this company, or the directors thereof, may appoint, and any subscriber who, after thirty days previous notice in some newspaper printed at New Haven, and in some newspaper printed in Northampton, that an instalment is ordered, shall delay for the term of ten days to pay such instalment to the treasurer of this corporation, shall forfeit to the company the whole of his stock, upon which such instalment is due ; but no person subscribing to the stock of this company shall in any event be liable to pay more than the amount of his subscription.

Cash instalments,
when payable.

SEC. 5. Each share in the stock of this corporation shall entitle its holder to one vote, and each

stockholder shall be allowed to act at all meetings of the corporation by attorney, and to transfer his shares in such manner as the company by its by-laws may direct.

When this corporation may be organized.

SEC. 6. Whenever the cash subscription of stock shall amount to one hundred and thirty-five thousand dollars, either by the transfer contemplated by the third section of this act or otherwise, the corporation hereby created may be organized, and thenceforward, upon the franchises of the Hampshire and Hampden Canal Company and the Farmington Canal Company being conveyed to this company, as authorized by the second section of this act, all penalties incurred, whether before or after, under the act establishing the Hampshire and Hampden Canal Company, and, with the assent of the state of Connecticut, under the act establishing the Farmington Canal Company, shall enure to the benefit of this company: *provided, however*, that all actions, complaints and processes, then pending, or commenced within sixty days from the passing of this act, against either of said corporations, may be proceeded in, as if this act had not been passed.

[Approved by the Governor, April 9, 1836.]

CHAP. CC.

An Act to establish the Newburyport Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Enoch S. Williams, John Bradbury and Samuel T. Deford, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Newburyport Bank, to be established in the town of Newburyport, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of fifty dollars each, to be paid in such instalments, and at such times, as the stock holders may direct: *provided*, the whole be paid in on or before the first day of January next.

Amount of stock.

When to be paid in.

[Approved by the Governor, April 9, 1836.]

CHAP. CCI.

An Act to increase the Capital Stock of the Agricultural Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The President, Directors and Company of the Agricultural Bank are hereby authorized and empowered to increase their capital stock by an addition of fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct and determine : *provided*, the whole shall be paid in on or before the tenth day of October next.

When to be paid in.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before the said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, April 9, 1836.]

CHAP. CCII.

An Act to establish the Chicopee Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Elisha Edwards, William Bryant, Albert Morgan, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Chicopee Bank, to be established in Springfield, and shall so continue, until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable, only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in, on or before the first day of January next.

Amount of stock.

When to be paid in.

[Approved by the Governor, April 9, 1836.]

CHAP. CCIII.

An Act to establish the Shoe and Leather Dealers' Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Cheever Newhall, James Cheever and Josiah M. Jones, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Shoe and Leather Dealers' Bank, to be established in Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

When to be paid
in.

[Approved by the Governor, April 9, 1836.]

CHAP. CCIV.

An Act to unite the Worcester and Norwich, and the Boston, Norwich and New London Railroad Companies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. From and after the time when this act shall take effect, the stockholders of the Boston, Norwich, and New London Rail-road Company, a corporation incorporated by the legislature of the state of Connecticut, in the year one thousand eight hundred and thirty-two, be, and they hereby are constituted stockholders of the Worcester and Norwich Rail-road Company, a corporation incorporated by the legislature of the state of Massachusetts, by an act passed March fifteenth, in the year one thousand eight hundred and thirty-three, with the same powers, rights, privileges and franchises, as if they had subscribed an equal amount of stock, in said Worcester and Norwich Rail-road Company. And all the tolls, franchises, rights, powers, privileges and property, then or at any time thereafter owned, acquired or enjoyed, by the stockholders of said Worcester and Norwich Rail-road Company, shall belong to the stockholders of said Boston, Norwich and New London Rail-road Company, in proportion to the number of shares by each of them owned. And from and after the time when this act shall take effect, all property, owned, acquired or

Union of the two companies.

enjoyed, by either of said corporations, shall be taken to be the joint property of the stockholders for the time being, of said two corporations.

Meetings of
stockholders.

SEC. 2. From and after the time when this act shall take effect, at all meetings of the stockholders of said Worcester and Norwich Rail-road Company, the stockholders of said Boston, Norwich, and New London Rail-road Company, shall be entitled to the same notice, and shall enjoy the same right of voting, as if they had originally been stockholders of said Worcester and Norwich Rail-road Company. All meetings which shall be warned, and held by said original and associated stockholders, pursuant to the by-laws which shall be by them established, shall be legal and valid, and all officers chosen at any such meeting, shall be officers of said Worcester and Norwich Rail-road Company: *provided, always,* that there shall be one officer in each state who is an inhabitant thereof, on whom process against said corporation may be served, and that the books and registry of one corporation shall be taken to be the books and registry of the other corporation.

Attachment of
shares.

SEC. 3. The shares of any stockholder in said company shall be liable to attachment and execution in the state where such stockholder, at the time of such attachment or execution, shall reside or inhabit: *provided, always,* that a true and attested copy of such attachment or execution, shall be left at the time of service, by the officer serving the same, with the clerk or any director of said corporation, or at his usual place of abode, in the state where such attachment or execution shall be served.

Separate ac-
counts of ex-
penses arising
in the two states.

SEC. 4. The said corporation shall keep separate accounts of the expenses which have arisen, and

which shall arise in the construction of the portions of said rail-road, situated in the states of Massachusetts and Connecticut respectively, and of all the expenses which would properly have appertained and belonged to the respective corporations if this act had not been passed, until said rail-road, from Norwich to its termination in this state, shall have been completed. And there shall be annually appointed two commissioners, whose duty it shall be to ascertain, what proportion of the expenditures on said rail-road, and of the other expenses attending its construction and maintenance, also what proportion of the receipts and profits of said rail-road, shall properly appertain and belong to the portions of said rail-road, situated in said two states. And the annual report, which shall be made to the legislature of this state, in pursuance of the laws of this state relating thereto, shall be approved by said commissioners. And the governor of each of said states shall appoint one commissioner, who shall jointly execute the duties prescribed by this act, and who shall receive from said corporation a reasonable compensation for their services.

SEC. 5. This act shall not take effect until the legislature of the state of Connecticut shall have passed a similar act, uniting said two corporations, nor until the same shall have been accepted by the stockholders of each of said corporations, in meetings called for that purpose.

SEC. 6. The said corporation, so far as their road is situated in this state, when united by virtue of the provisions of this act, shall be subject to the general laws of this state, to the same extent as the said Worcester and Norwich Rail-road Company, would have been if this act had not been passed.

SEC. 7. After said corporations shall be united, according to the provisions of this act, they shall be one corporation, by the name of the Norwich and Worcester Rail-road Company.

[Approved by the Governor, April 10, 1836.]

CHAP. CCV.

An Act to incorporate the Orleans Fishing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Nathan Rogers, James Higgins, Samuel Eldridge, their associates and successors, are made a corporation, by the name of the Orleans Fishing Company in Orleans, and are empowered to open the brook running from Hesters Pond, so called, to Pleasant Bay in said Orleans, so far as is necessary for the purpose of an alewife fishery, and to regulate the same, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, one thousand eight hundred and thirty-five.

Penalties for tak-
ing fish without
permission.

SEC. 2. If any person without the permission of the corporation shall take, catch or haul on shore any alewives, in said brook or pond, or within one eighth of a mile in any direction from the mouth of said brook, he shall forfeit and pay for the use of

said corporation a sum not exceeding two dollars, if the quantity so taken be less than one barrel ; but if the quantity taken be more than one barrel, the person so offending shall forfeit and pay for each barrel of fish so taken, five dollars, to be recovered in any court proper to try the same.

SEC. 3. If any damage shall be done by said corporation to the property of any individual not a member of the corporation, such individual shall be entitled to reasonable damage.

SEC. 4. All persons who now are or shall hereafter be owners of land adjoining said brook, may become members of said corporation, subject, however, to pay their proportional part of the expenses which shall have been incurred by said corporation before the time of their admission.

Owners of adjacent land.

SEC. 5. Any member of this corporation who shall take or catch, by seine or otherwise, any alewives within the limits mentioned in the second section of this act, except in the brook and pond aforesaid, shall incur the penalty provided for in said section, to be recovered in the manner therein set forth.

[Approved by the Governor, April 11, 1836.]

CHAP. CCVI.

An Act for the encouragement of the Culture of Silk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bounty.

SEC. 1. There shall be allowed and paid out of the treasury of the Commonwealth, for every ten pounds weight of cocoons of silk, the produce of silk worms raised within this Commonwealth, the sum of one dollar, and in the same proportion, for any larger quantity of cocoons, to be paid to the owner of such worms, or his legal representatives.

SEC. 2. There shall be allowed and paid out of the treasury of the Commonwealth, to every person who shall reel, or cause to be reeled, and to every person who shall throw or cause to be thrown in this Commonwealth, from cocoons produced from silk worms, raised in this Commonwealth, a merchantable silk capable of being manufactured into the various silk fabrics, or to the legal representatives of such person, one dollar for every pound of silk so reeled and thrown, and fifty cents for every pound of silk reeled without being thrown.

Certificate.

SEC. 3. When satisfactory evidence by the oath of the party, or otherwise, shall be exhibited to the selectmen of any town in this Commonwealth, that any person being an inhabitant of such town, is entitled to claim the bounty or bounties, provided for in the first and second sections of this act, they shall

give a certificate thereof, in writing under their hands, stating the quantity of cocoons produced, or of silk reeled or thrown conformably to the provisions of said sections, and that such claimant is entitled to the bounty or bounties therein allowed ; and when such certificate shall have been filed in the office of the secretary of the Commonwealth, the governor, with advice of the council, is hereby authorized to draw his warrant on the treasurer therefor.

SEC. 4. If any person shall claim a bounty more than once for the same cocoons, or silk so reeled or thrown, or obtain any bounty under this act, through fraud or deception, such person shall forfeit to the use of the Commonwealth, a sum not more than one hundred dollars, in addition to the amount of any bounty he may have received, to be recovered by indictment, in any court proper to try the same.

Penalty for obtaining bounty through fraud, &c.

SEC. 5. This act shall take effect in thirty days, from the time of passing the same, and continue in force, during the term of seven years from the time of its going into operation, and an act entitled, "An Act to encourage the reeling and throwing of silk," passed the seventh day of April, in the year one thousand eight hundred and thirty-five, be and the same hereby is repealed ; but nothing herein contained shall affect the right of any person, entitled to any premium under the said act.

Duration of the operation of this act, &c.

SEC. 6. The provisions of this act shall not apply to bodies politic and corporate.

[Approved by the Governor, April 11, 1836.]

CHAP. CCVII.

An Act to incorporate the "Needham Hat Factory."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Cornelius Hersey, Lemuel Lyon, 2d, and William Ingalls, their associates and successors, are hereby made a manufacturing corporation, by the name of the Needham Hat Factory, for the purpose of manufacturing hats, in the town of Needham, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of ten thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of thirty thousand dollars.

[Approved by the Governor, April 12, 1836.]

CHAP. CCVIII.

An Act relating to Insurance Companies.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Insurance companies now incorporated, or that may hereafter be incorporated in this state, in addition to the provisions contained in the thirty-seventh chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, are hereby authorized to invest such part of their capital, in the stock of any corporation established in this state, whose corporate property consists entirely of real estate, or in the funded debt of any city or town in this state, as may be most for the interest of said companies, at the discretion of the president and directors thereof, or of such other person or persons as said companies shall for such purpose at any meeting appoint.

Manner in which capital may be invested.

[Approved by the Governor, April 12, 1836.]

CHAP. CCIX.

An Act relating to the Hartford and Dedham Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Place where toll
may be taken.

SEC. 1. The Hartford and Dedham Turnpike Corporation may keep a toll-gate at or near Breck's Corner, in the town of Medfield, and may take toll at the same, at the rate named in their act of incorporation, in the same manner as they might have done, if the gate had been originally located at that place.

In case of future
suit, &c.

SEC. 2. In any future suit, contract, judgment or execution at law, the doings of the corporation are so far confirmed, as that said corporation shall suffer no loss, damage or impediment, in consequence of any misapprehension respecting the location of said gate.

[Approved by the Governor, April 12, 1836.]

CHAP. CCX.

An Act to incorporate the Roxbury Silk Factory.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Caleb Parker, Edwin Lemist and William Dow, their associates and successors, are hereby made a manufacturing corporation, by the name of the Roxbury Silk Factory, for the purpose of manufacturing silk fabrics, in the town of Roxbury, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

Estate.

[Approved by the Governor, April 12, 1836.]

CHAP. CCXI.

An Act to incorporate the "West Brook Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Chester Morton, Edward R. Smith and Benjamin Sikes, Jr., their associates and successors, are hereby made a manufacturing corporation, by the name of the "West Brook Company," for the purpose of manufacturing woollen goods in the town of Whately, in the county of Franklin ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of fifty thousand dollars.

[Approved by the Governor, April 12, 1836.]

CHAP. CCXII.

An Act to establish the Middling Interest Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Samuel Prince, William C. Perkins and John Smith, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Middling Interest Bank, to be established in the city of Boston, and located in Commercial street, at or near the Winnesimmit Ferry, and within one hundred rods of the northerly termination of Hanover street, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock of said corporation shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, the whole be paid on or before the first day of January next.

Amount of stock.

When to be paid in.

SEC. 4. A majority of the directors shall be residents north of Richmond street in said Boston.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXIII.

An Act in addition to an act to incorporate the Pigeon Cove Harbor Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Number of stockholders necessary for certain purposes.

The proceedings of the Pigeon Cove Harbor Company, in creating new or additional shares in their capital stock, are hereby confirmed and made valid. But four fifths of all the votes to which the stockholders are entitled shall be necessary, at any meeting called for the purpose to lay assessments upon the shares, or to create new shares, hereafter, or to contract any debt in behalf of the company, for the extension of their wharves or breakwater, or for any other purpose, except for the payment of their existing debts; and except for the making of repairs, which may be authorized by a majority of the whole number of votes, to which the stockholders are entitled. And all parts of the act incorporating said company, inconsistent with the provisions of this act, are hereby repealed.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXIV.

An Act to incorporate the Chelmsford Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Alvah Mansur, Randall Meacham and Daniel West, their associates and successors, are hereby made a manufacturing corporation, by the name of the Chelmsford Company, for the purpose of manufacturing cotton and woollen goods, in the town of Chelmsford, in the county of Middlesex ; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty-five thousand dollars, and the whole capital stock of said corporation, shall not exceed the amount of fifty thousand dollars.

Estate.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXV.

An Act to incorporate the Northwest District Fire Society in West Cambridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Kimball Farmer, Abel Locke and John Perry, their associates and successors, are hereby made a corporation, by the name of the Northwest District Fire Society, in West Cambridge, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding in value one thousand dollars, and personal estate not exceeding in value fifteen hundred dollars.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXVI.

An Act to incorporate the Charlestown Steam Cotton Factory.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Gilman Stanley, Richard Devens and Ebenezer F. Cutter, their associates and successors, Persons incorporated. are hereby made a manufacturing corporation, by the name of the Charlestown Steam Cotton Factory, for the purpose of manufacturing cotton in the town of Charlestown, in the county of Middlesex ; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the Estate. purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred and fifty thousand dollars.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXVII.

An Act in addition to an Act to incorporate the Suffolk India Rubber Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Name changed.

SEC. 1. The Suffolk India Rubber Company are hereby authorized to take the name of the Chelsea Manufacturing Company; and in addition to the powers given by the act establishing the same, are empowered to manufacture fabrics, composed wholly or in part of cotton, wool, or silk, and to make machinery.

SEC. 2. The business of said company shall be carried on in the county of Suffolk, and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXVIII.

An Act in relation to the Alewife Fishery in Weweantit River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. All the provisions of the several laws relating to the fish called alewives in Weweantit river, and the fishery connected with said river, so far as any duties are required of, or any liabilities are imposed on the inhabitants of the town of Rochester in the county of Plymouth are hereby repealed.

Repeal of certain provisions.

SEC. 2. All the rights and privileges by law conferred on the inhabitants of said town of Rochester, to the fishery of said river, and the proceeds thereof are hereby conferred on Joshua B. Tobey, his heirs and assigns, and he and they are required in the fall of each successive year hereafter, to appoint three suitable persons as members of the committee for said river ; who shall be required to perform the same duties, and vested with the same authority, as the committee of the town of Rochester now are, and the said Tobey, his heirs and assigns, shall be subject to the same pecuniary liabilities as the inhabitants of Rochester now are.

Transferring of certain rights and privileges, on certain conditions.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXIX.

An Act authorizing Elisha Burgess and William B. Pettis to extend a Wharf in Somerset.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Direction of line
of wharf.

Elisha Burgess and William B. Pettis are hereby authorized to extend their Wharf at Somerset, into the channel of Taunton River to a line drawn straight from the southeastwardly corner of Isaac Pierce's south wharf to the northeastwardly corner of the wharf owned by Collins Chace and Mary Swasey : *provided*, that this grant shall in no wise interfere with the legal rights of any other person.

[Approved by the Governor April 13, 1836.]

CHAP. CCXX.

An Act in addition to an act to incorporate the Boston Children's Friend Society.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

What children
may be admitted.

SEC. 1. The said society may admit into their institution any indigent child at the request of its

parent or guardian, and accept from its father, or in case of the father's being dead, from its mother or guardian, a surrender in writing, of any such child to the care and direction of said corporation, and also may admit any other indigent children residing in the city of Boston, who have no parent or guardian within the Commonwealth. And all children so admitted, shall be maintained and employed by said society, and shall be instructed in moral and religious duties and the branches of learning usually taught in the common town schools.

SEC. 2. The said society may retain and employ such children, after they are of suitable age to be bound out as apprentices; or may bind out such children when of suitable age, as domestics in virtuous families, or as apprentices at any reputable trade, until the age of twenty-one years if males, or of eighteen years if females, in like manner and on the same conditions as overseers of the poor may, by law, bind out the children of poor persons settled in their respective towns. *Provided*, that any such child who shall not have been surrendered to said society in the manner herein provided, may be withdrawn from the society or the persons to whom it is bound by its parent or guardian, upon payment to said society of the expenses incurred by them in the relief, support and instruction of such child.

Binding out of children, &c.

Proviso.

SEC. 3. This corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXI.

An Act to establish the Mount Hope Rail-road Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Elisha Burgess, Samuel L. Crocker and Wheaton Luther, their associates and successors, are hereby made a corporation, by the name of the Mount Hope Rail-road Corporation, with all the powers and privileges, and subject to all the duties, liabilities and provision, contained in that part of the thirty-ninth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, which relates to rail-road corporations, and in the forty-fourth chapter of said Revised Statutes ; and said corporation is hereby authorized to locate, construct and finally complete a rail-road from Taunton, in the county of Bristol, to Somerset, in the same county, in the direction hereafter described, viz. Commencing at a point in the Taunton branch rail-road, near Nathan R. Shaw's store in said Taunton, and passing southerly about two thousand feet, in a curve to the right, crossing the Taunton and Providence turnpike, near the house of Annis Newcomb ; thence southerly, about forty-two hundred feet ; thence thirty-six hundred feet, on a curve to the right, to the table land north of Dyer Pratt's ; thence south-westerly, in a straight line, about half a mile, to a point a little south-

Route of rail-
road.

westerly of Blake's landing ; thence, by a gentle curve, near the western bank of Taunton river, about thirty-four hundred feet ; thence south-westerly, in a straight line, about fifty-eight hundred feet, crossing Three mile river, and approaching near to Taunton river, opposite " the needles," so called ; thence southerly and south-westerly, by gentle curves, of radii, varying from half a mile to a mile and a half, crossing the Berkley road, passing westerly of Church's hill, and crossing Sickeraganset river near its mouth ; thence nearly south, in a straight line, to a point near the mouth of " Mud cove," so called ; thence, crossing said cove and the public road, along the west bank of Taunton river, to a point near Jones' wharf, in Dighton ; thence southerly, to the mouth of Broad cove, so called ; thence, crossing the cove, and passing near the bank of the river, about one mile ; thence, on the west side of the hill upon Store-house point, one fourth of a mile, to the bank of Taunton river ; thence, along the bank of the river, to the depot in the southerly part of Somerset village.

SEC. 2. Said corporation shall furnish the same facilities, for the passage of vessels at Broad cove, as are provided in the act, authorizing a bridge to be built over said cove, passed on the sixteenth day of March, in the year one thousand eight hundred and thirty-two.

Facilities for passage of vessels.

SEC. 3. The capital stock of said corporation shall consist of a sum not exceeding one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each ; and said corporation may purchase and hold such real estate, as may be necessary for a depot, and other purposes connected with the use of said road.

Amount of stock.

Legislature may
reduce tolls.

SEC. 4. At the expiration of four years, from and after the time of the completion of said rail-road, the legislature may, from time to time, alter or reduce the rate of tolls and other profits, upon said rail-road ; but the said tolls shall not, without the consent of said corporation, be so reduced as to produce, with said profits, less than ten per cent. per annum.

May enter the
Taunton branch
rail-road on cer-
tain conditions.

SEC. 5. Said corporation are hereby authorized to enter, with their rail-road, on that point of the Taunton Branch Rail-road, designated in the first section of this act, or within forty rods, in either direction from said point, paying for the right to use the same, or any part thereof, such a rate of toll as the legislature may from time to time prescribe, and complying with such rules and regulations as may be established by said Taunton Branch Rail-road Corporation, by virtue of the fourth section of their act of incorporation. *Provided, however,* that it shall be the duty of the corporation hereby created, to enter the said Taunton Branch Rail-road by such proper turn-outs or switches as will not unreasonably incommode the travel upon the said Taunton Branch Rail-road, and pay all the expenses incident to, and in consequence of, any alterations necessary in said Taunton Branch Rail-road, to enable them to enter upon it in a proper manner.

Time within
which road must
be completed.

SEC. 6. If the amount of stock of said rail-road shall not have been subscribed for, the corporation organized, and the location of the road filed with the county commissioners of the county of Bristol, previous to the first day of July, in the year one thousand eight hundred and thirty-seven ; or, if the said corporation shall fail to complete the said road on or before the first day of September, in the year one

thousand eight hundred and thirty-eight, then this act shall be void.

SEC. 7. If the charter granted to Cyrus Alger and others, passed on the twenty-second day of January, in the year one thousand eight hundred and thirty-one, to establish the Boston and Taunton Rail-road Company, shall be renewed, or a similar charter granted to said Alger and others, and the rail-road established by that act shall be completed, so as to unite with the rail-road established by this act, said Boston and Taunton Rail-road Company may, at any time, within five years from opening the rail-road established by this act for use, purchase of the corporation hereby created the rail-road so opened, and all the franchise, property, rights and privileges thereof, by paying them therefor such sum as will reimburse the amount of capital paid in, with a nett profit thereon of six per cent. per annum, from the time of the payment thereof by the stockholders, to the time of said purchase. *Provided, nevertheless,* that the several stockholders of the rail-road company, established by this act, shall be permitted on said purchase, to become stockholders in said Boston and Taunton Rail-road Company, by receiving stock or shares thereof, to the amount in which they may be respectively interested, as stockholders in the rail-road company hereby established.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXII.

An Act to incorporate the Rock Bottom Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Benjamin Poor, Charles Bradley and J. A. A. Laforest, their associates and successors, are hereby made a manufacturing corporation, by the name of the Rock Bottom Company, for the purpose of manufacturing cotton and woollen goods, in the town of Stow, in the county of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of forty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXIII.

An Act to provide for the confinement of Idiots and Insane Persons.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. There shall be within the precincts of the house of correction in each county of this Commonwealth, a suitable and convenient apartment or receptacle for idiots and lunatic or insane persons not furiously mad, to be confined therein as herein after provided. Place of confinement in each county.

SEC. 2. When it shall be made to appear, on application made in writing to any two justices of the peace, one of whom shall be of the quorum, or any police court, that any person, being within the jurisdiction of such justices or court, is an idiot or lunatic or insane, not being furiously mad as aforesaid, the said justices or court are hereby authorized to order the confinement of such person in the receptacle provided for that purpose; and such provision shall be made for the comfortable support of all persons confined by virtue of this act, and they shall be governed or employed in such manner, as the county commissioners of each county in the Commonwealth, and such officers as by law exercise the powers of county commissioners, may, in the exercise of their discretion, judge best; and such sum per week shall be allowed and paid for the support of every such person, confined as afore- Who may order commitment, provision for support, &c.

said, as the mayor and aldermen of the city of Boston, and the county commissioners of each county, and such officers as by law exercise the powers of county commissioners, shall direct; and if, in any case, there shall be no parent, kindred, master, guardian, town or city obliged by law to maintain the person so confined, the sum allowed as aforesaid shall be paid out of the treasury of the Commonwealth : *provided*, that in no case shall more than two dollars and fifty cents per week ever be paid from said treasury.

Discharge of persons confined.

SEC. 3. Any person confined by virtue of this act may at any time be discharged, when, in the opinion of any two justices of the peace, one of whom shall be of the quorum, or of any police court, having jurisdiction in the case, such discharge would be for the benefit of the person so confined, or when, in their opinion, such person would be comfortably supported by any parent, kindred, friend, master or guardian, or by any town or city in which such person may have a legal settlement.

SEC. 4. In any case, that may arise under this act, all magistrates and other officers and all witnesses shall receive the same fees and compensation for services performed, and for attendance and travel, as are allowed by law, for like services in criminal proceedings, to be taxed, allowed and paid in the same manner.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXIV.

An Act in addition to "An Act to incorporate the Managers of the Boston Seamen's Friend Society."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Five members of the Board of Managers shall constitute a quorum, for the transaction of business, any provision in the act, to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXV.

An Act to incorporate the Chemical Dyeing and Printing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John Fenno, John Low and Simeon Butterfield, their associates and successors, are hereby made a manufacturing corporation, for the purpose of coloring, dyeing, manufacturing and printing cotton, linen, silk and other fabrics, in the town of Chelsea, in the county of Suffolk, and, for this pur-

Persons incorporated.

pose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twelve thousand five hundred dollars, and the whole capital stock of said corporation shall not exceed the amount of fifty thousand dollars.

[Approved by the Governor April 13, 1836.]

CHAP. CCXXVI.

An Act to incorporate the Roxbury Hair Cloth Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Stephen Faunce, Jr., Kendall Brooks and Franklin White, their associates and successors, are hereby made a manufacturing corporation, by the name of the Roxbury Hair Cloth Company, for the purpose of manufacturing hair cloth in the town of Roxbury, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the

fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the ^{Estate,} purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXVII.

An Act to establish the Roxbury Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Ebenezer Seaver, George Adams and ^{Persons incorpo-} Amos Stevens, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Roxbury Bank, to be established in Roxbury, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the privileges and powers, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation ^{Amount of stock.}

shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid on or before the first day of January next.

When to be paid
in.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXVIII.

An Act to authorize the Town of Lynn to enclose their Public Common.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The inhabitants of the town of Lynn shall have liberty to enclose such part or parts of their public common, situated between Breed's hotel (so called) on the Salem turnpike, and the first methodist meeting-house in said town, at any time, and in such manner, as said town may determine at any legal meeting of the inhabitants, due notice of such intention being previously given by the selectmen in their warrant for calling said meeting.

Notice to be given.

SEC. 2. Whenever said town shall determine to enclose any part of said common, the same shall be done under the direction of a committee appointed by the town for that purpose, which committee shall have liberty to plant such ornamental trees within the enclosure as they may deem proper, and said committee shall be required to provide a sufficient

Avenues across common.

number of avenues or passes, for the inhabitants to pass and repass on foot across the said common.

SEC. 3. Nothing in this act contained shall prevent the laying out a public highway through said enclosure, whenever the public exigencies may require.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXIX.

An Act to incorporate the Union Charitable Society in Salem.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. William Jones, Schuyler Lawrence and William Williams, their associates and successors, are hereby made a corporation, by the name of the Union Charitable Society in Salem, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five. Persons incorporated.

SEC. 2. Said corporation may hold real and personal estate, not exceeding in amount the sum of ten thousand dollars, to be devoted exclusively to charitable purposes. Estate.

[Approved by the Governor, April 13, 1836.]

CHAP. CCXXX.

An Act in addition to "An Act to incorporate the New Haven and Northampton Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Paper in which
notice may be
given.

'The notice, which in and by the act entitled, "an act to incorporate the New Haven and Northampton Company," passed the ninth day of April, in the year of our Lord one thousand eight hundred and thirty-six, is to be given in some newspaper, printed in Westfield, in the county of Hampden; may be given in such newspaper, or in want thereof, in any other newspaper printed in said county.

[Approved by the Governor, April 14, 1836.]

CHAP. CCXXXI.

An Act to establish Probate Courts in Fitchburg.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

From and after the first day of June, in the year one thousand eight hundred and thirty-six, a probate court shall be holden at Fitchburg in the

county of Worcester, twice in each year, to wit. On the first Thursday in June, and first Thursday in December, at such places in the town of Fitchburg as the judge of probate in and for said county of Worcester shall see fit to appoint.

[Approved by the Governor, April 14, 1836.]

CHAP. CCXXXII.

An Act to establish the Eastern Rail-road Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. George Peabody, William H. Foster and Larkin Thorndike, their associates and successors, are hereby made a corporation, by the name of the Eastern Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in that part of the thirty-ninth chapter of the Revised Statutes, passed November the fourth, in the year one thousand eight hundred and thirty-five, which relates to rail-road corporations, and in the forty-fourth chapter of said Revised Statutes ; and said corporation is hereby authorized and empowered to locate, construct and finally complete a rail-road from the city of Boston to the boundary line between the Commonwealth of Massachusetts and the state of New Hampshire, on or near the line next hereinafter described, viz :—
Beginning at or near the land or wharf of the Lewis

Persons incorporated.

Route of rail-road.

Route.

wharf company; thence by steam boats, or other boats, over and across the ferry, to East Boston, so called; thence, through or near a depot of said corporation, to Decatur street in said East Boston; thence, running parallel with, and distant about two hundred feet from Chelsea street, north, forty-nine degrees east, forty-three hundred and twenty feet; thence westerly, about sixteen hundred feet, by a curve of eleven thousand four hundred and sixty feet radius; thence north, forty-one degrees east, ninety-seven hundred and fifty feet, crossing the westerly end of Bell Isle and Chelsea river, to the hill situate about half of a mile easterly of Chelsea meeting-house; thence easterly, about seven hundred feet, by a curve of eleven thousand four hundred and sixty feet radius; thence north, thirty-eight degrees east, seventeen thousand two hundred and twenty-eight feet, to the left bank of Saugus river, to a point about three hundred yards from its mouth; thence easterly, about twenty-eight hundred and fifty feet, by a curve of fifty-seven hundred and thirty feet radius; thence north, sixty-six degrees east, twelve thousand five hundred and fifty feet, passing through Lynn, to a meadow south of Rufus Parrott's house; thence westerly, about forty-six hundred feet, by a curve of fifty-seven hundred and thirty feet radius, passing near the house of Pickering Dodge, and near the "great oak," so called; thence north, twenty-one degrees east, about five hundred feet, to a point at or near the head of "big swamp," so called; thence easterly, about twenty-one hundred and fifty feet, by a curve of fifty-seven hundred and thirty feet radius; thence north, forty-three degrees east, about sixteen hundred and sixty-five feet, across the "big swamp," so called, to a point at or near an old dam:

thence westerly, about nine hundred and forty-eight feet, by a curve of fifty-seven hundred and thirty feet radius, crossing a small pond; thence north, thirty-four degrees east, about fifty-six hundred and eighty-nine feet, to a point at or near "Castle hill," so called; thence easterly, about eleven hundred and fifty feet, by a curve of fifty-seven hundred and thirty feet radius, into a meadow; thence north, forty-five degrees east, about twelve hundred and one feet, to a point at or near the lead factory, so called; thence westerly, about twelve hundred feet, by a curve of fourteen hundred and thirty-two feet radius, to a point at or near a hill situate northerly of Harbor street; thence north, two degrees west, about twenty-five hundred and seventy-three feet, to the southerly side of Forrester street in the city of Salem; thence easterly, about nine hundred and twenty-five feet, by a curve of eleven hundred and forty-six feet radius, to a point at or near Northey street: thence north, forty-four degrees east, seventeen hundred and sixteen feet, crossing Bridge street; thence westerly, about twelve hundred and fifty feet, by a curve of twenty-eight hundred and sixty-five feet radius; thence north, nineteen degrees east, about twenty-four hundred and seventy-two feet, to the left bank of the North river, at a point about five hundred and fifty feet below Beverly bridge; thence westerly, about ten hundred and fifty feet, by a curve of fifty-seven hundred and thirty feet radius, to a point distant about two hundred feet northerly from the brick school-house in Beverly; thence north, eight degrees east, about eleven thousand two hundred and thirty-four feet, to a point near the house of J. Sheldon; thence easterly, about fifty-two hundred feet, by a curve of seventeen thousand

Route.

Route.

one hundred and ninety feet radius, to a point at or near a small pond ; thence north, twenty-seven degrees east, about eleven thousand four hundred feet, to a point at or near the house of J. B. Dodge ; thence easterly, about sixteen hundred and thirty-three feet, by a curve of eleven thousand four hundred and sixty feet radius, to a swamp ; thence north, fifty-six degrees east, about ninety-eight hundred and eighty-five feet, to a point at or near the house of J. and B. Appleton ; thence westerly, about twelve hundred and fifty feet, by a curve of fifty-seven hundred and thirty feet radius ; thence north, twenty-one degrees east, about twenty-two hundred and ninety feet, to the Topsfield road ; thence easterly, about eight hundred and thirty-three feet, by a curve of fifty-seven hundred and thirty feet radius, to a point at or near a road ; thence north, thirty degrees east, about sixty-eight hundred and ninety-two feet, to a point at or near the house of G. Chapman, in Ipswich ; thence westerly, about eleven hundred feet, by a curve of eleven hundred and forty-six feet radius, to the low grounds ; thence north, twenty-five degrees west, about seventeen hundred feet, to a point at or near the corner of the Boxford road ; thence easterly, about twenty-five hundred feet, by a curve of fifty-seven hundred and thirty feet radius, to a cross road ; thence northerly, about thirty-seven thousand seven hundred and forty-two feet, crossing the meadows of Ipswich, Rowley and Newbury, and crossing Rowley, Parker and Little Rivers ; thence easterly, about eighteen hundred and sixty-seven feet, by a curve of eleven thousand four hundred and sixty feet radius ; thence north, eight degrees east, about forty-seven hundred and fifty feet, to Union street, in Newburyport ;

thence westerly, about six hundred and twenty-five feet, by a curve of fourteen hundred and forty-eight feet radius; thence north, seventeen degrees west, about two hundred and eight feet; thence easterly, about eleven hundred and ten feet, by a curve of twelve hundred and thirty feet radius, to a point at or near the western end of the chain bridge over the Merrimack river; thence, across the site of said bridge, about one thousand feet, to the left bank of said river; thence north, thirty-five degrees east, about twenty-nine hundred and seventy feet, running on the easterly side of the Newburyport bridge road; thence westerly, about eight hundred and twenty-five feet, by a curve of thirty-three hundred feet radius; thence north, eighteen degrees east, about eighty-six hundred feet, to a point at or near "Carr's corner;" thence westerly, about eight hundred and twenty-five feet, by a curve of thirty-three hundred feet radius; thence north, eight degrees east, to the boundary line between the said Commonwealth and the state of New Hampshire: *provided, nevertheless*, that a part of the above described line may and shall be altered, if the inhabitants of the town of Newburyport shall so determine, at any legal meeting of said inhabitants, called for that purpose, in manner following, to wit: from a suitable point in Newbury, to the western end of the said chain bridge across the Merrimack river; which alteration shall be made in such manner as the engineer of the said Eastern Rail-road Company shall deem most suitable to carry the line of said rail-road west of the jail in Newburyport, and across High street, passing through or near Winter street; *and provided, also*, that said corporation shall not be holden or required to construct their said rail-road on that part

Route.

of the above described line, between said Union street or Winter street, and the boundary line between the said Commonwealth and said state of New Hampshire, until they shall deem it expedient to do so.

Existing rights of persons, &c. not impaired by this act.

SEC. 2. Nothing herein contained shall be construed to confirm, interrupt or impair the existing rights of any corporation, person or persons, owning, or interested in, any ferry, already established or licensed, or to restrain the power of setting up any ferry which the wants or convenience of the public may require; and the said rail-road company shall not locate, or construct, any part of their rail-road, in, upon or through any enclosure, used, or appropriated for the burial of the dead, without the consent of the inhabitants of the town where such enclosure is situated.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of not less than thirteen thousand, nor more than twenty thousand shares, the number of which shall be determined, from time to time, by said corporation, or by the directors thereof; and no assessment shall be laid thereon, of a greater amount in the whole than one hundred dollars on each share; and said corporation may purchase and hold, in the name of the corporation, such real estate, materials, engines, cars and other things, as may be necessary for depots, for the use of said road, and for the transportation of persons, goods and merchandise.

Draws, piers, &c.

SEC. 4. The said corporation shall construct and maintain, in their said rail-road, a draw of at least thirty feet in width, across each of the following rivers, for the passing and repassing of vessels, viz: Saugus river, Salem South river, and Beverly river;

also, a draw, not less than twenty-five feet in width, across Chelsea creek ; also, a bridge across Rowley river, which last mentioned bridge shall be built in such manner as the county commissioners for the county of Essex shall approve ; also, such buoys and hawsers at, or near Beverly bridge, and such lights, (not exceeding four in number,) at the draw thereof, as the selectmen of Beverly, in writing, shall direct. The said corporation shall erect such piers, near the said draws, any or either of them, as the commissioners for the county in which such draw or draws may be situate, shall, in writing, require ; and the said corporation shall keep each of said draws and piers in good repair, and shall raise or open said draws, and afford all reasonable accommodation to vessels having occasion to pass through the same, or either of them, by day or by night ; and if any such vessel shall be unreasonably detained, in passing either of said draws, by the negligence of said corporation, in constantly providing agents to discharge, faithfully, the duties enjoined by this act, the owner, commander or person having the consignment of said vessel, may recover reasonable damages therefor, of said corporation, in an action on the case, before any court competent to try the same. The said corporation shall not permit the passing of any bridge erected by them, by any carriages of any description, other than those adapted to the travelling on said rail-road, nor by horses or other beasts not attached to such rail-road carriages, nor by persons on foot, except by such persons, carriages, horses or other beasts, as may be in the immediate service of said corporation.

Vessels not to be detained unreasonably.

SEC. 5. If, in constructing said rail-road, it shall be necessary to remove, or alter any of the pipes or

Provision respecting Salem and Danvers aqueduct.

other works of the Salem and Danvers aqueduct corporation, in the city of Salem, the said rail-road company shall cause such removal or alteration to be made, at their own expense, in such good and sufficient manner, and of such suitable and permanent materials as will convey the water of said aqueduct as freely, copiously and securely as it is now conveyed ; and shall, from time to time, as may be necessary, maintain the pipes and other constructions, made necessary by any such alterations or removals, in good and sufficient repair ; and said rail-road company shall be held to indemnify said aqueduct corporation for any loss, damage or expense, which they may sustain by reason of the removals or alterations aforesaid, or by any other interference of said rail-road, with the pipes or other works of said aqueduct corporation.

Salem and Chelsea turnpike company may subscribe.

SEC. 6. The Salem turnpike and Chelsea bridge corporation may subscribe for any amount, not exceeding one fourth part of the shares and capital stock of said Eastern Rail-road Company : *provided*, that the said Salem turnpike and Chelsea bridge corporation shall, within ninety days after the passing of this act, notify either of the three persons first named in the first section hereof, of their intention to subscribe for, and own said shares ; and the said Salem turnpike and Chelsea bridge corporation shall distribute the shares and capital stock, so subscribed for by them, among the stockholders, or otherwise dispose of the same, as the said corporation, or the directors thereof, shall deem just and expedient : *provided, always*, that the holders or proprietors of the shares, which may be taken as aforesaid, by the said Salem turnpike and Chelsea bridge corporation, shall hold the same, subject to

all assessments and liabilities, and with the same privileges as are provided concerning the shares and capital stock in said rail-road company.

SEC. 7. The capital stock of said rail-road corporation shall be thirteen thousand shares, until the number thereof shall be increased in the manner expressed in the second section of this act; and if the said thirteen thousand shares shall not have been subscribed for, and the corporation organized before the first day of January, in the year one thousand eight hundred and thirty-seven, or if the location of said rail-road shall not be filed according to law, or if said company shall fail to complete the said rail-road to the extent provided in the first section of this act, on or before the first day of September, in the year one thousand eight hundred and forty, this act shall be void.

Time of completion, &c.

SEC. 8. The legislature may, after the expiration of five years from the time when this rail-road shall be open for use, from time to time, alter or reduce the rate of tolls and other profits upon said road: but the said tolls shall not, without the consent of the corporation, be so reduced as to produce with said profits less than ten per cent. per annum.

Tolls may be altered by legislature.

SEC. 9. The Commonwealth may authorize any company to enter, with another rail-road, at any point of said Eastern Rail-road, paying for the right to use the same, or any part thereof, such a rate of toll as the legislature may, from time to time, prescribe, and complying with such rules and regulations as may be established by the directors of said Eastern Rail-road.

Entrance of other rail-roads.

[Approved by the Governor, April 14, 1836.]

CHAP. CCXXXIII.

An Act to incorporate the Lowell Dispensary.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. James G. Carney, John Clark, James Cook, their associates and successors, are hereby made a corporation, by the name of the Lowell Dispensary, for the purpose of furnishing medicine, and other needful articles, and medical advice and relief, to the sick poor of the town of Lowell, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The corporation hereby established may take and hold, for the purpose aforesaid, any real or personal estate, the annual income of which shall not exceed the sum of three thousand dollars.

[Approved by the Governor, April 15th, 1836.]

CHAP. CCXXXIV.

An Act to amend an act to incorporate the Boston and Millbury Water Power and Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The name of the said company shall be the Boston and Millbury Water Power and Manufacturing Company, any thing in the act, entitled, an act to incorporate the Boston and Millbury Water Power and Manufacturing Company, passed on the ninth day of April instant, to the contrary notwithstanding.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXXXV.

An Act in addition to an act to incorporate the Douglas Axe Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The Douglas Axe Manufacturing Company may be lawfully possessed of seventy thou-

Amount of real
and personal
estate.

sand dollars in personal estate, and seventy thousand dollars in real estate, in addition to their present authorized capital.

SEC. 2. The said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXXXVI.

An Act to incorporate the Pittsfield and West Stockbridge Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Lemuel Pomeroy, Robert Campbell and Mathias R. Lanckton, their associates and successors, are hereby made a corporation, by the name of the Pittsfield and West Stockbridge Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in the forty-fourth chapter, and in that part relating to rail-road corporations, of the thirty-ninth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Route of rail-
road.

SEC. 2. The said company may lay out and construct a rail-road, commencing at some convenient

place for a depot, at or near the village of Pittsfield, and passing or passing from a point in the North street of said village, within one hundred rods of the town-house of Pittsfield, in a southwesterly direction, crossing the road from Pittsfield to Albany, within one hundred and fifty rods of said town-house; thence passing near the village of Stearns-ville, and the Shaker mill, into Richmond; and passing through Richmond near the house of Edwin W. Dwight, and near the furnace in said Richmond, into West Stockbridge, to the intersection of this rail-road with the West Stockbridge rail-road, or the Western rail-road, on or near Flat Brook Meadows, in said West Stockbridge.

SEC. 3. The capital stock of said corporation shall not exceed three hundred thousand dollars; and shall be divided into shares of one hundred dollars each; and the said corporation may invest and hold such part thereof in real estate, as may be necessary and convenient for the purposes of their incorporation. Amount of stock.

SEC. 4. The legislature may, after the expiration of four years from the time when this rail-road shall be opened for use, from time to time, alter, equalize or reduce the rate of tolls and other sources of profit upon said road; but said tolls shall not, without the consent of the corporation, be so reduced as to produce, with said profits, less than ten per cent. per annum. Legislature may alter tolls.

SEC. 5. The Commonwealth may authorize any company to enter with another rail-road at any point of said Pittsfield and West Stockbridge Rail-road, paying for the right to use the same, or any part thereof, such a rate of toll as the legislature may, from time to time, prescribe, and complying with Entrance of other roads.

such rules and regulations as may be established by the directors of said Pittsfield and West Stockbridge Rail-road.

Time of completion, &c.

SEC. 6. If the corporation hereby created be not organized, and the location of its road filed, after, and within one year after, the final location of the western rail-road through Berkshire county ; or from West Stockbridge to Lee, (in case it should be located from West Stockbridge to Lee,) and if said Pittsfield and West Stockbridge Rail-road shall not be completed within three years from said final location of the Western rail-road ; or if said Western rail-road shall be finally located through Pittsfield, this act shall be void.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXXXVII.

An Act to incorporate the Mechanics Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

Ezekiel Bates, William Adams and Phineas Dow, their associates and successors, are hereby made a corporation, by the name of the Mechanics Mutual Fire Insurance Company in Boston, for the purpose of making insurance upon any building, stock, tools and furniture whatsoever, within this Commonwealth, with all the powers and privileges, and subject to all the duties and liabilities set forth

in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, and to continue for the term of twenty-eight years.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXXXVIII.

An Act to regulate the Assignment and Distribution of the Property of Insolvent Debtors.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Any debtor may assign and convey his property to his creditors, or to one or more assignees or trustees, for the use of his creditors, in the manner hereinafter mentioned ; and such assignment shall be valid and effectual against any attachment or execution, thereafter made or levied on any of the property so assigned : *provided*, the debtor shall make oath, a certificate of which shall be endorsed on the instrument of assignment, that he has by such assignment conveyed all his property not exempted by law from attachment, for the benefit of all his creditors, according to the true intent and meaning of this act.

Oath of debtor,
and certificate
thereof.

SEC. 2. All persons who are endorsers or sureties for the debtor, or who have demands against him as drawer or endorser of any bill of exchange, or endorser of any note, and all who have demands upon any policy of insurance, or any bot-

Who may be
considered cred-
itors.

tomry or respondentia bond, or for a debt that may become due on any other contingency whatever, may be considered as creditors within the provisions of this act. *Provided*, that the bill, note, bond or other contract be made by the debtor before the date of the assignment: *and provided, also*, that the debt demanded thereupon, shall become absolute before the final dividend of the assigned property.

No preference among the creditors who are parties, except. &c.

SEC. 3. The assignment shall be so made as to give to each of the creditors who shall become parties to it, an equal share of the property, in proportion to their respective debts, without any preference excepting as to such debts as, by the laws of the United States, or of this Commonwealth, may be entitled to a preference in such case.

Application after dividend.

SEC. 4. All the creditors shall have a right to become parties to the assignment: *provided*, they apply therefor before the final dividend is declared; but no creditor who comes in after any dividend is declared, shall be allowed to disturb the same, but he shall receive an equal proportion with the other creditors, so far as the funds then remaining unappropriated in the hands of the assignees shall be sufficient therefor.

Public notice of appointment of assignees.

SEC. 5. The assignees shall, as soon as may be after the assignment, give notice thereof, by advertisement in some newspaper printed in the town where the debtor resides, if there be any, and, if not, in some newspaper printed in the same county, or in the city of Boston; and such advertisement shall be published not less than once a week for three weeks successively.

Provision for distant creditors, &c.

SEC. 6. The assignees shall declare and pay dividends, from time to time, as soon as may be after converting the effects into money: *provided*, that

when it shall appear, that there are creditors, who, from their distant residence, or other sufficient reason, cannot become parties to the assignment before the making of the first dividend, or when it shall appear that there are any of the classes of creditors named in the second section whose debts shall not have, but may afterwards become absolute—the assignees may retain, from the funds, a sum sufficient to pay to every such supposed creditor, an equal proportion with the other creditors.

SEC. 7. The supreme judicial court, or court of common pleas may, upon the petition or other application of the debtor, or of the assignees, or of any creditor or other person interested in the case, remove any assignee for any sufficient cause, and upon such removal, or upon the death or resignation of an assignee, appoint another in his place; and may cause a just and prompt settlement of the estate of the insolvent, and a distribution thereof among all who are entitled thereto, having a due regard to the rights of creditors, who, by reason of their distant residence or otherwise, may be delayed in presenting their claims, and becoming parties to the assignment; or whose debts may not have become absolute; and generally may hear and determine, as a court of chancery, all matters arising under any such assignment, and make such orders and decrees therein as law and justice shall require, and as shall be necessary and proper to carry into effect the provisions of this act: *provided*, that when the amount claimed, as due to any supposed creditor, is disputed by the debtor, or the assignees, or by any other creditor, the same shall, if required by either party, be determined by a jury, upon an issue to be framed under the direction of the court, or by referees chosen by the parties.

Removal of assignees by court, &c.

Discharge of
debtor.

SEC. 8. Every debtor who shall make such an assignment as is herein before mentioned, shall be discharged from all debts due to any of his creditors who shall become parties to the assignment, excepting as is provided in the following section ; but no such discharge shall release any person who may be liable for the same debt, as a partner, joint-contractor, indorser, acceptor, or surety, for or with the debtor.

Discharge to
have no effect
upon proof of
certain facts.

SEC. 9. The debtor, if afterwards sued for any such debt, shall have no benefit of the said discharge, but judgment shall be rendered against him for the amount that shall then appear to be due, if the plaintiff shall prove any of the following facts, to wit :

First, that the debtor has fraudulently concealed, reserved or disposed of any of his property which the laws do not exempt from attachment, to the amount of one hundred dollars :

Secondly, that he did knowingly and wilfully make any false statement, in any disclosure made to or for his creditors, concerning the amount or the disposition of his property :

Thirdly, that he did, at any time after this act shall have gone into operation, and in contemplation of such an assignment of his property as is herein provided for, voluntarily make any payment, or any transfer or conveyance of any part of his property, with a view to give to any creditor, or to any indorser or surety for the debtor, a preference or advantage over the other creditors, contrary to the intent and purpose of this act : or

Fourthly, that he did, in contemplation of such an assignment, give notice of his insolvency to any creditor, with a view to enable him, by means of an

attachment or otherwise, to obtain any such preference or advantage over his other creditors.

SEC. 10. The debtor shall not be required to plead his discharge specially, but may give it in evidence under the general issue ; unless when the action is of such a nature that the discharge could not be submitted and proved to a jury under the general issue.

Pleading of discharge.

SEC. 11. No assignment or conveyance, made by any insolvent debtor to assignees or trustees, for the use of any of his creditors, shall be valid and effectual against an attachment or execution, in behalf of any creditor who is not a party to it, unless it is so made as to allow all the creditors of the debtor to become parties to it, if they see fit ; and unless, also, it is so made as to give to each of the creditors who shall become parties to it, an equal share of the property, in proportion to their respective debts, excepting only such creditors as may, by the laws of the United States, or of this Commonwealth, be entitled in such case to a preference.

Assignment not valid in certain cases against creditor who is not a party.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXXXIX.

An Act to incorporate the Albany Wharf and Warehouse Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. William B. Reynolds, John A. McGaw and Charles Ellis, their associates and suc-

Persons incorporated.

cessors, are hereby made a corporation, for the purpose of building wharves and warehouses, near the proposed terminus of the Worcester Rail-road in the city of Boston, by the name of the Albany Wharf and Warehouse Corporation, and shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, one thousand eight hundred and thirty-five.

Tenure of lands,
&c.

SEC. 2. Said corporation may hold, in fee simple, or otherwise, any lands, wharves and flats, lying between Front street and the channel in said Boston: *provided*, that nothing herein contained shall authorize said corporation to encroach upon the channel, or any property of the Commonwealth, or to interfere with the legal rights of any person or corporation.

Amount of stock.

SEC. 3. The capital stock of said corporation shall be divided into five thousand shares, subject to assessments, not exceeding one hundred dollars in the whole on each share.

SEC. 4. Any or all of the powers of said corporation, in so far as it shall think proper to delegate the same, may be exercised in its behalf by its directors or other officers.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXL.

An Act to prevent Fraud in the Pressing of Hay.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. All pressed hay which shall be offered for sale in this Commonwealth after the first day of September next, shall be branded upon the crate enclosing it with the first letter of the christian name and the whole of the surname of the person packing and screwing or otherwise pressing said hay, and with the name of the town and state where said hay shall be pressed. Crate to be branded.

SEC. 2. All pressed hay which shall be offered for sale without being branded as aforesaid, shall be forfeited, one half to the person or persons prosecuting therefor, and the other half to the use of the city or town where said hay shall be so offered for sale. Forfeiture.

SEC. 3. All forfeitures incurred under this act, may be recovered, with costs of suit, by action, bill, plaint, or information before any justice of the peace, or other court proper to try the same.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXLI.

An Act requiring Returns from Registers of Deeds.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Specification of
returns.

SEC. 1. The several registers of deeds in this Commonwealth shall make returns to the secretary of the Commonwealth, on or before the last Wednesday in January in each year, of the whole number of deeds recorded by them in the books of registry, in their respective offices, during the year ending the thirty-first day of December next preceding the time of making such returns;—also of the whole number of other instruments so recorded by them during the time aforesaid ; the whole amount of fees received by them, for the recording of said deeds, and the whole amount for other instruments ; the amount paid by them into the treasury of the county ; the number of legal pages of records covered by the registry of said deeds and other instruments ; and the expenses of their respective offices over and above what is paid by the county during the same time.

SEC. 2. The several particulars required by this act, shall be given in said returns in the following tabular form :—

| No. of deeds recorded. | No. of other instruments | Am't of fees rec'd for deeds. | Am't rec'd for other instruments. | Am't paid co. treasurer. | No. of legal pages covered. | Expenses of office above what is p'd by County. |
|------------------------|--------------------------|-------------------------------|-----------------------------------|--------------------------|-----------------------------|---|
| | | | | | | |

Form.

SEC. 3. The secretary of the Commonwealth shall lay before the legislature in each year, as soon after the last Wednesday in January as the same can be conveniently prepared, an abstract of the returns made to him in conformity with the provisions of this act.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXLII.

An Act to establish the Kilby Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. John S. Wright, Charles Leighton and John C. Tebbets, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Kilby Bank, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth

Persons incorporated.

day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said bank shall be established in the city of Boston, and the stock thereof shall be transferable only at its banking-house and in its books.

Amount of stock.

When to be paid in.

SEC. 3. The capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid on or before the first day of January next.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXLIII.

An Act concerning the Harbor and the South River in Salem.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Joseph Peabody, David Pingree, Daniel Bancroft and their associates, are hereby authorized and empowered, to excavate and deepen, by digging or otherwise, the harbor of Salem, the channels leading into said harbor, and the channel of South River in said Salem, so that they may be rendered more convenient for the purposes of navigation: *provided*, that such excavation or deepening shall not injuriously affect the rights of any person whatever.

[Approved by the Governor, April 15, 1836.]

CHAP. CCXLIV.

An Act to incorporate the Quinebaug Reservoir Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Josiah J. Fiske, Charles Everett, Wil-
lard Sayles, Ebenezer D. Ammidown, Moses Plimp-
ton and Larkin Ammidown, their associates and
successors, are hereby made a corporation, by the
name of the Quinebaug Reservoir Company, for the
purpose of constructing reservoirs at the sources, and
upon the several tributary streams of the Quinebaug
River, in the county of Worcester, for the increase of
the water power of said river, and for the mutual
benefit of the mills and manufacturing establish-
ments upon said river, and its tributary streams,
and shall be entitled to all the powers, privileges
and subject to all the duties, restrictions and liabili-
ties set forth in the forty-fourth chapter of the Re-
vised Statutes, passed on the fourth day of Novem-
ber, in the year one thousand eight hundred and
thirty-five.

Persons incorpo-
rated.

SEC. 2. Said corporation are hereby authorized
to make and construct all necessary dams, gates and
trenches for the purpose aforesaid, and may purchase
and hold real estate to such extent as may be neces-
sary for such purposes, not to exceed in amount the
sum of twenty-five thousand dollars, and may hold
personal estate for the purpose aforesaid, not exceed-

Estate.

ing twenty thousand dollars : *provided, nevertheless,* that nothing in this act contained, shall at any time impair or change, without their consent, the rights of any individual or individuals other than the petitioners.

[Approved by the Governor, April 16, 1836.]

CHAP. CCXLV.

An Act to provide for the better Instruction of Youth employed in Manufacturing Establishments.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Children of certain age shall have attended school, &c.

SEC. 1. From and after the first day of April, in the year eighteen hundred and thirty-seven, no child under the age of fifteen years shall be employed to labor in any manufacturing establishment, unless such child shall have attended some public or private day school, where instruction is given by a teacher qualified according to the first section of the twenty-third chapter of the Revised Statutes, at least three months of the twelve months next preceding any and every year, in which such child shall be so employed.

Penalties.

SEC. 2. The owner, agent or superintendant of any manufacturing establishment, who shall employ any child in such establishment contrary to the provisions of this act, shall forfeit the sum of fifty dollars for each offence, to be recovered by indictment,

to the use of common schools in the towns respectively where said establishments may be situated.

[Approved by the Governor, April 16, 1836.]

CHAP. CCXLVI.

An Act to amend an Act entitled an Act for subjecting the inhabitants of a part of the town of Danvers, called the Neck of Land, to the charge of maintaining and supporting certain bridges and highways.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. So much of said act, as requires that the clerk and other officers, who may from time to time be chosen in conformity with said act, shall be proprietors of land within the limits of said Neck of land, is hereby repealed.

SEC. 2. All proceedings of said corporation, and all meetings heretofore holden, as the same are recorded on the books of the corporation, shall be of the same force and effect as if the officers heretofore chosen had been proprietors of land as aforesaid, and all said meetings had been called by the competent authority within the terms of said act.

Previous doings confirmed.

[Approved by the Governor, April 16, 1836.]

CHAP. CCXLVII.

An Act relating to the pay of the Watchman of the State House.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The salary of the watchman of the state house shall be twelve hundred dollars a year, in full for the services of himself and his assistant ; instead of the sum of nine hundred dollars a year, as provided in the sixty-fifth section of the thirteenth chapter of the Revised Statutes.

[Approved by the Governor, April 16, 1836.]

CHAP. CCXLVIII.

An Act to establish Jail Limits in the County of Worcester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

County Com-
missioners to es-
tablish limits.

In respect to all proceedings on executions issuing upon judgments, which have been or may hereafter be recovered upon contracts made before the second day of April, in the year one thousand eight hundred

and thirty-four, the county commissioners of the county of Worcester, are authorized to establish limits for the jail of said county, in the manner and to the extent provided by the first section of the eighty-sixth chapter of the statute of eighteen hundred and twenty-two.

[Approved by the Governor, April 16, 1836.]

CHAP. CCXLIX.

An Act to establish the Nashua and Lowell Railroad Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. Jesse Bowers, Ira Gay and Daniel Abbot, their associates and successors, are hereby made a corporation, by the name of the Nashua and Lowell Rail-road Corporation, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in that part of the thirty-ninth chapter of the Revised Statutes, passed November the fourth, in the year one thousand eight hundred and thirty-five, which relates to rail-road corporations, and in the forty-fourth chapter of said Revised Statutes; and said corporation is hereby authorized and empowered to locate, construct, and finally complete a rail-road, from Lowell, in the county of Middlesex, to form a junction with that portion of said Nashua and Lowell Rail-road, lying within the state

Persons incorporated.

Route of rail-
road.

of New Hampshire—the proposed rail-road commencing and pursuing the course following, viz :— Commencing at the western termination of the straight line near the car-house of the Boston and Lowell rail-road ; thence passing along the northern bank of the canal, about eighteen hundred feet, to a point a little westerly of the bridge over the same ; thence westerly, curving a little to the north, about one hundred and seventy rods, to a point in said canal, about forty rods south of the guard locks ; thence crossing said canal, and running westerly, in the same direction, curving slightly to the south, about two hundred and fifty-six rods, to a point about ten rods south of black brook, crossing the highway about forty rods east of Whitney's house ; thence westerly, crossing black brook, and continuing a straight line about one hundred and twenty rods, to the second lock of the locks at the head of Middlesex canal ; thence crossing said lock, and passing along near the south bank of Merrimack river, about one mile, to the margin of the Merrimack, at the hill, about ninety-five rods east of stony brook ; thence curving gradually to the north, to a point near the mouth of said brook ; thence crossing said brook, and curving gradually to the south, about three hundred and sixty-six rods, to the Middlesex turnpike gate ; thence passing near the eastern side of said turnpike, about two miles, to a point near the head of said turnpike ; thence curving to the south, on the southern bank of the Merrimack, to the mouth of biscuit brook ; thence curving northerly, and passing up the westerly bank of the Merrimack, to the mouth of Butterfield's brook ; thence passing said brook, and leaving said bank, and curving gradually to the west, round the brow of the

ridge, across the horse-shoe bend, about one mile and one hundred rods, to the mouth of Howard's brook; thence crossing the same near its mouth, and running along the bank of the Merrimack, to the northern line of the state, so as to unite with that part of the Nashua and Lowell Rail-road, lying within the state of New Hampshire; or the said corporation may commence their road at some convenient point near the Boston and Lowell rail-road, south of the Patucket canal, and run near the margin of said canal, till they meet the line before described.

SEC. 2. The capital stock of said corporation Amount of stock. shall consist of a sum not exceeding three hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may purchase and hold such real estate as may be necessary for a depot, and other purposes connected with the use of said road.

SEC. 3. Said corporation are hereby authorized to enter, with their rail-road, on that point of the Entrance upon the Boston and Lowell rail-road. Boston and Lowell rail-road, designated in the first section of this act, or within thirty rods, in either direction from said point, paying for the right to use the same, or any part thereof, such a rate of toll as the legislature may from time to time prescribe, and complying with such rules and regulations as may be established by said Boston and Lowell rail-road corporation, by virtue of the fifth section of their act of incorporation. *Provided, however,* that it shall be the duty of the corporation hereby created, to enter the said Boston and Lowell rail-road by such proper turn-outs or switches as will not unreasonably incommode the travel upon the said Boston and Lowell rail-road, and pay all the expenses inci-

dent to, and in consequence of any alterations necessary in said Boston and Lowell rail-road, to enable them to enter upon it in a proper manner.

SEC. 4. If the amount of stock of said rail-road shall not have been subscribed for, the corporation organized, and the location of the road filed with the county commissioners of the county of Middlesex, previous to the first day of January, in the year one thousand eight hundred and thirty-seven; or if said corporation shall fail to complete the said road on or before the first day of September, in the year one thousand eight hundred and thirty-eight, this act shall be void.

Time of completion of road, &c.

SEC. 5. Nothing contained in this act shall authorize said corporation to erect any pier or other obstruction in the Patucket or Middlesex canal, and if they construct their rail-road across either of said canals, they shall not in any way obstruct the safe and convenient use of said canals.

Legislature may alter tolls, &c.

SEC. 6. The legislature may, after the expiration of four years from the time when this rail-road shall be open for use, from time to time, alter or reduce the rate of tolls and other profits upon said road; but the said tolls shall not, without the consent of said corporation, be so reduced as to produce with said profits less than ten per cent. per annum.

[Approved by the Governor, April 16, 1836.]

CHAP. CCL.

An Act to change the names of the several persons therein mentioned.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Abram Babcock may take the name of George Williams Abram Babcock ; William Hulin may take the name of William Hulin Clifton ; John French may take the name of John Marshall French ; Charles Robert Andrews a minor son of Elizabeth Andrews may take the name of John Dudley Andrews ; Abel Munroe may take the name of Abel B. Munroe ; Caroline Louisa Grosvenor may take the name of Louisa Grosvenor ; John Calrow may take the name of John Glover Calrow ; William Calrow, Jr. may take the name of William Howard Calrow ; Thomas Calrow may take the name of Thomas Baldwin Calrow ; Patrick Cavanah may take the name of William Pollard Cavanah ; John Huring Capen, a minor, may take the name of John Capen ; Charles Cunningham, a minor, may take the name of Charles West Cunningham ; Lydia Emily Coffin, a minor, may take the name of Lydia Emily Coffin Morse ; John Stoddard may take the name of John D. Stoddard ; William Smith may take the name of Marcellus Judson Smith ; Joseph Saunders Coffin, a minor, may take the name of Joseph Saunders ; Percival Eaton Howe, a minor, may take the name of John Percival Howe ; Gookin Parker may take

Essex.

the name of William Gookin Parker ; all of the city of Boston in the county of Suffolk. Peter Russell of Lynnfield, may take the name of Helon Russell ; William Burnham fifth of Essex, may take the name of William Haskell Burnham ; Frederick Griffin of Essex, a minor, may take the name of Frederick Perkins Gardiner ; Susan Eliza Wood of Gloucester, a minor, may take the name of Susan Bartlett Haskell ; Ahira Putnam of Danvers, may take the name of Ahira Herrick Putnam ; Louisa Stickney of Salem, may take the name of Louisa D. Kent ; Nancy Collins Johnson of Salem, may take the name of Emily Collins Johnson ; Samuel Bartlett of West Newbury, may take the name of Samuel Waldo Bartlett ; John Currier fourth of Amesbury, may take the name of John Henry Currier ; Israel Foster 3rd, of Beverly, may take the name of Israel Wallace Foster ; Joseph Cole of Ipswich, may take the name of Joseph D. Salisbury ; Abigail Cole of Ipswich, may take the name of Abigail L. Salisbury ; Joseph Very of Danvers, may take the name of Joseph Dempsey Very ; Ansel Putnam, a minor son of Daniel Putnam of Danvers, may take the name of Ansel Wallace Putnam ; Mary Jane Morse of Haverhill, a minor, may take the name of Mary Jane Smith ; Charles Henry Kent of Rowley, may take the name of Charles H. Webster ; Sarah Merrill Kent of Rowley, may take the name of Sarah Augusta Webster ; Lavina Kimball of Amesbury, a minor, may take the name of Lavina Kimball Pressay ; Benjamin Foster 4th of Beverly, may take the name of Benjamin Lovett Foster ; Mary Phillips Abbott of Andover, may take the name of Mary Elizabeth Phillips Abbott ; Moody Russell of Middleton, may take the name of Samuel M. Russell ;

all of the county of Essex. Anthony Vaughn Baker of Cambridge, may take the name of Anthony Vaughn Fletcher; Martha Baker of Cambridge, may take the name of Martha Fletcher; Martha Elizabeth Baker, a minor daughter of Anthony Vaughn Baker, may take the name of Martha Elizabeth Fletcher; Benjamin Franklin Smith, a minor of Woburn, may take the name of Benjamin Franklin Oakes Smith; Georgiana Reymond of Malden, a minor, may take the name of Mary Ann Faulkner; Matthew Thomas Kidder Adams Griffin of Westford, may take the name of George Adams Griffin; Sarah McIntire of Reading, may take the name of Sarah Flint; William Newell of Brighton, may take the name of William Whiting Wheaton Newell; Reuben Seiders of Cambridge, may take the name of Richard Thomas Austin; Mary Jane Sanborn of Lowell, may take the name of Mary Jane Rollins; Ira Hodgman of Ashby, may take the name of Charles Day; Nathan Goodale of Marlboro', may take the name of Nathan Munroe Goodale; James Francis Smiley of Groton, a minor, may take the name of James Tarbell; Samuel Brown Stone of Natick, may take the name of Warren Stone; all of the county of Middlesex. Jonathan Sawyer of Har-
vard, a minor, may take the name of Augustus Jonathan Sawyer; Royal C. Chesmore of Fitchburg, may take the name of Henry Otis Rockwell; Dolly Wilder of Leominster, may take the name of Frances Hills Wilder; Jesse Trickey of Worcester, may take the name of Ivers R. Harvey; Elijah Hitchcock of Sturbridge, a minor, may take the name of William Henry Hudson; Willard Billings of Worcester, may take the name of John Willard Billings; George Merriam Pride of Fitchburg, may take the

Middlesex.

Worcester.

name of George Henry Merriam ; Gibson Colburn of Northborough, may take the name of Henry Gibson Colbourn ; Samuel Adams Hitchcock of Sturbridge, may take the name of Samuel Adams Hudson ; Mehitable Rand of Westminster, may take the name of Ellen Mehitable Rand ; Benjamin Taft, Jr. of Southbridge, may take the name of Merrick Luther Taft ; Jonathan Orcutt, Jr. of Athol, may take the name of George Richardson Orcutt ; Jonah T. Houghton of Berlin, may take the name of Henry Taylor Houghton ; Jonathan C. Sloan of Hardwick, may take the name of Henry Clinton ; Henry Taylor of Leominster, may take the name of George Henry Taylor ; Moses Sawyer Hastings of Berlin, may take the name of Christopher Sawyer Hastings ; John Crouch of Brookfield, may take the name of John Clayton ; Benjamin Moon of Charlton, may take the name of Benjamin Brooks ; Charlotte Moon of Charlton, may take the name of Charlotte Brooks ; Stephen Moon, Jr. of Charlton, may take the name of Stephen Brooks ; Eunice Moon of Charlton, may take the name of Eunice Brooks ; Louisa and Laurenda, minor children of Stephen Moon, may take the surname of Brooks ; Samuel Lynn Fiske of Southbridge, may take the name of Samuel Lyon Fiske ; Olerton Cushman Silvester of Leicester, may take the name of Oliver Cushman Silvester ; William Clark of Spencer, may take the name of Orlando Russell ; Charles Augustus Munroe of Shrewsbury, may take the name of Charles Augustus Harrington ; Aaron Lyon, Jr. of Spencer, may take the name of Charles C. Pinckney ; Asa B. Howe of Leominster, may take the name of Webster B. Randolph ; Cheney Hill of Spencer, may take the name of Cheney Leander Mandell ;

Lewis Trescott of Lancaster, may take the name of Lewis Erastus Trescott; Ballou Buffum of Mendon, may take the name of David Ballou Buffum, all of the county of Worcester. Nehemiah Hoar of Greenfield, may take the name of Nehemiah Hunt; Charles Sawyer of Colrairie, may take the name of Charles Carpenter; Lathrop Delano of Montague, may take the name of Edward Lathrop Delano; Leonard Chenery of Montague, may take the name of Edward Wells Chenery; Fanny Eliza Petton of Buckland, a minor, may take the name of Fanny Eliza Smith; Smith Downing of Sunderland, may take the name of Smith Downing Elliott; all of the county of Franklin; Clarinda Clark of Granby, a minor, may take the name of Sarah Clarinda Clark; Lewis Ford of Cummington, a minor, may take the name of Lewis Thayer Ford; Thomas James Quance of Hadley, may take the name of James Whitmarsh; Isaac Tubbs, Susan Tubbs, Isaac N. Tubbs and Phebe Tubbs of Cummington, may severally take the surname of Allen; Daniel B. Tubbs and Henry M. Tubbs of Cummington, minors, may severally take the surname of Allen; Larry Chapin of South Hadley, a minor, may take the name of Joseph Corbin Chapin; William Watson Witt of South Hadley, a minor, may take the name of William De Witt; Cornelia Dexter Bridges of Ware, a minor, may take the name of Cornelia Adeliza Gould; Philena Bates of Cummington, may take the name of Philena Ford; John Witt, Jr. of Granby, may take the name of John De Witt; Caroline Witt of said Granby, may take the name of Caroline De Witt; Charles Smith of Northampton, may take the name of Charles Pomeroy; all of the county of Hampshire. Joseph Bull, Jr. of Westfield, may

Berkshire.

Bristol.

• Barnstable.

Norfolk.

Plymouth.

take the name of Edward Joseph Bull ; Alured B. Hitchcock of Brimfield, may take the name of John Boyden Austin ; Franklin K. Thrall of Blandford, a minor, may take the name of Franklin Knox Oatley ; all of the county of Hampden. John Smith of Williamstown, may take the name of John Leddenhurst Smith ; Benjamin Remington, Jr. of Savoy, may take the name of Benjamin Franklin Remington ; all of the county of Berkshire. Allen Luther, Jr. of Dighton, a minor, may take the name of Allen Wardwell Luther ; George Luther of Somerset, a minor, may take the name of George Bowers Luther ; William Cole of New Bedford, may take the name of William Bowen Cole ; all of the county of Bristol. Amanda Cotton of Yarmouth, a minor, may take the name of Amanda Parker Cotton ; Pinkham Baker of Yarmouth, a minor, may take the name of Frederick Pinkham Baker ; Franklin Hallet of Yarmouth, a minor, may take the name of Joseph Franklin Hallet, all of the county of Barnstable. Samuel Davis Heath of Roxbury, may take the name of William Samuel Heath ; William Patrick of Roxbury, Elizabeth Mills Patrick, wife of said William Patrick, William Barry Patrick and Rebecca Barry Patrick, minor children of said William, may severally take the surname of White ; all of the county of Norfolk. Billa Bryant of Rochester, may take the name of William Bryant ; William Clapp of Scituate, may take the name of Allen Clapp ; all of the county of Plymouth. And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names, which by this act they are respectively allowed to assume as aforesaid, and said names shall

hereafter be considered as their only proper and legal names to all intents and purposes.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLI.

An Act to establish the Freeman's Bank in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Levi Bliss, Andrew Drake and Prentiss Hobbs, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Freeman's Bank, to be located in that part of the city of Boston, known by the name of Sea street, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock of said bank, shall be transferable only at its banking-house and in its books.

SEC. 3. The capital stock of said corporation shall consist of the sum of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct :

Amount of stock.

When to be paid *provided*, the whole be paid in on or before the first day of January next.

SEC. 4. A majority of the directors shall reside south of Summer street in said Boston.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLII.

An Act to increase the Capital Stock of the Grand Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The President, Directors and Company of the Grand Bank are hereby authorized to increase their present capital stock, by an addition thereto of twenty-five thousand dollars, in shares of one hundred dollars each ; which shall be paid in such instalments as the president and directors of said bank may direct and determine : *provided*, that the whole amount shall be paid in, on or before the tenth day of October next.

When to be paid in.

SEC. 2. The additional stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate.

SEC. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid

into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLIII.

An Act to establish the Waltham Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Luke Fiske, George Miller, Nathaniel Maynard, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Waltham Bank, to be established in Waltham, in the county of Middlesex, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock of said corporation shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as

Amount of stock.

When to be paid in. the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLIV.

An Act to authorize the Boston and Providence Rail-road Corporation to increase their Capital Stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Amount of increase of stock.

The Boston and Providence Rail-road Corporation are hereby authorized to make a further increase of their capital stock, to an amount not exceeding five hundred thousand dollars, by creating an additional number of shares, not exceeding five thousand, of one hundred dollars each, the said shares to be apportioned among the present stockholders pro rata ; and the same to be assessed by instalments, from time to time, as the directors shall find it expedient, the amount thus raised to be applied for the purposes specified in their original act of incorporation, and the acts in addition thereto : *provided*, that the said corporation, in regard to the right of the Commonwealth to purchase said rail-road, shall be subject to the provisions of the eighty-fourth section of the thirty-ninth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, any thing contained in an act in addition to their act of incor-

poration, passed on the twenty-ninth day of February, in the year one thousand eight hundred and thirty-two, to the contrary notwithstanding.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLV.

An Act authorizing Banks to borrow money, and
issue Post Notes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The banks already established, and those which may hereafter be incorporated in this Commonwealth, may borrow money, and issue therefor post notes upon time, and bearing interest at not less than four and one half per cent. per annum, any thing in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five, to the contrary notwithstanding: *provided*, the amount of such loans and issues by any bank shall not at any time exceed twenty-five per cent. of the capital stock of such bank actually paid in.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLVI.

An Act in addition to the eighty-third chapter of the Revised Statutes, concerning the Probate Court.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

In addition to the probate courts, provided to be held in the county of Hampshire, by the eighty-third chapter of the Revised Statutes, there shall be a probate court held every year at Amherst, on the second Tuesday of April, and at Belchertown on the second Tuesday of February.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLVII.

An Act to establish the Woburn Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. John Wade, Bowen Buckman and Augustus Plympton, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Woburn Bank, to be located in the town of Woburn, and

shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the privileges and powers, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation Amount of stock. shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole When to be paid in. be paid in on or before the first day of January next.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLVIII.

An Act in addition to the one hundred and forty-fourth chapter of the Revised Statutes, "of the State Prison and the government and discipline thereof."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

From and after the first day of April current, each of the turnkeys in the state prison shall receive a salary of five hundred and fifty dollars, and each

watchman a salary of four hundred dollars a year, and the governor, with the advice and consent of the council, may allow to each of the turnkeys and watchmen of that institution, a sum not exceeding fifty dollars per annum, in addition to their present salaries, when in their opinion the interest of the institution may require it; and also sufficient fuel for all officers of the prison residing or boarding within the limits thereof.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLIX.

An Act to incorporate the Boston Wharf Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Cyrus Alger, Hall J. How, Josiah Dunham, their associates and successors, are hereby made a corporation, by the name of "The Boston Wharf Company," with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may take and hold all or any part of the land and flats, with their privileges and appurtenances lying in South Boston, and whereof the said corporation shall legally acquire the

property from the lawful owners of the same, that is to say, a parcel of land bounded and described as follows, to wit: beginning at a point about four hundred and seventeen feet easterly of Turnpike street, and bounding southerly on First street, about eight hundred and twenty-two feet; easterly on land now or lately of the Glass Company as far as private rights to said flats extend; and westerly on land now or lately of Winslow and others, as far as private rights to said flats extend; and the said corporation may receive dockage and wharfage for vessels laid at their wharves; and may, conformably to the provisions of such by laws as shall, from time to time, be established by them, make any conveyances of their corporate property, and lease, manage and improve their said property as they shall deem expedient. And the said corporation may also hold any personal property to an amount not exceeding one hundred thousand dollars.

Boundaries of
real estate.

SEC. 3. The said corporate property shall be divided into twelve hundred shares of five hundred dollars each, and assessments may be made from time to time thereon, not exceeding the said sum of five hundred dollars on each share, and in case any proprietor shall not pay such assessments as may be laid on his share or shares, the said corporation may cause the same to be sold by public auction, after fourteen days notice, in one or more daily newspapers published in the city of Boston, and the surplus, if any shall remain after paying the assessments, together with interest and incidental charges, shall, upon request, be paid over to such proprietor, and the purchaser shall be entitled to a certificate of the share or shares so sold: *provided, always*, that all assessments on the shares shall be agreed to by at

Number of
shares, &c.

least two thirds in number of the votes of proprietors present, or represented in writing at any meeting, of which meeting, public notice in one or more daily newspapers published in said city of Boston, shall be given seven days at least previously thereto.

SEC. 4. Each share in the said corporation shall entitle the proprietor to one vote : *provided, however*, no proprietor shall be entitled to more votes than one fourth of the whole number of shares.

SEC. 5. Nothing herein contained shall be construed to authorize said corporation to obstruct or encroach upon the channel, or in any way to infringe or interfere with the rights of the Commonwealth in any flats in the harbor of Boston, or with the legal rights of any other person or persons.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLX.

An Act to incorporate the Dorchester Whaling Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Elisha Preston, Josiah Stickney, Charles O. Whitmore, their associates and successors, are hereby made a corporation, by the name of the Dorchester Whaling Company, for the purpose of carrying on the whale fishery and manufacturing oil, and for this purpose shall have all the powers and

privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. Said corporation may hold such real estate, in the town of Dorchester, not exceeding fifty thousand dollars in value, and such personal estate, not exceeding three hundred thousand dollars, as may be necessary and convenient for carrying on the business aforesaid. Estate.

SEC. 3. The private property of the stockholders, for the time being, and of those who shall be stockholders at the time when any debt shall be contracted, shall be holden for the payment of such debt, and may be taken therefor on any execution issued against the corporation for such debt, in the same manner as on executions issued against them for their individual debts. Private property holden.

SEC. 4. Any stockholder, who shall pay any debt of the corporation, for which he is made liable by this act, shall have the same remedies for the recovery of the amount so paid, or any portion thereof, as are provided in the thirty-second section of the thirty-eighth chapter of said Revised Statutes. Remedy of stockholders in certain cases.

SEC. 5. The provisions of the thirty-eighth chapter of the Revised Statutes aforesaid, with the exception of the thirty-second section thereof, shall not be applicable to the corporation hereby created.

SEC. 6. Every certificate of shares in said company, which shall be issued by the clerk of said corporation, shall contain, printed on the back thereof, a copy of the provisions of the third section of this act. Certificate of shares.

[Approved by the Governor April 16, 1836.]

CHAP. CCLXI.

An Act to incorporate the Trustees of the Episcopal Divinity School in Massachusetts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Alexander Viets Griswold, Jonathan M. Wainwright, Theodore Edson, Edward Tuckerman and Simon Greenleaf, with their associates, to be chosen as hereinafter provided, are hereby constituted a corporation, by the name of the Trustees of the Episcopal Divinity School in Massachusetts, for the purpose of educating young men of competent talents, pure morals and piety, for the Christian ministry, in such manner as the trustees for the time being shall direct, with power to take and hold any estate, real or personal, exclusively for the purpose aforesaid : *provided*, the annual income thereof shall never exceed the sum of fifteen thousand dollars.

Object of corpo-
ration.

Limit of income.

Trustees.

SEC. 2. The board of said trustees, when completed, shall consist of twelve persons, six of whom shall be clergymen and six laymen, and a majority of the existing trustees shall be necessary to constitute a quorum for the transaction of any business, except to adjourn.

First meeting,
&c.

SEC. 3. Any two of the persons, named as trustees in this act, may appoint the time and place of the first meeting of the corporation, by giving notice thereof to their associates two days previous thereto, at which meeting, after the organization thereof, the

vacancies in the board of trustees shall be filled by written ballots, so that the same shall consist of twelve trustees, as aforesaid, and no other business shall be transacted until the persons so elected shall have had due notice of their election. Every future vacancy in the board shall be filled as soon as may be, by the written ballots of a majority of the existing trustees, at a meeting duly called for the purpose, and all meetings, after the first, until the trustees shall otherwise order, shall be called by written notice, issued by the senior member thereof to each trustee, ten days at least before the meeting; and no trustee shall receive out of the funds of said institution any pay or emolument for his personal services or expenses as trustee.

Vacancies in
board of trustees,
how filled.

SEC. 4. The said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXII.

An Act to change the name of the Washington
Fire and Marine Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The corporation now known by the name of the

Washington Fire and Marine Insurance Company, shall be allowed to take the name of the Washington Insurance Company.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXIII.

An Act relating to the increased capital of Banks.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The increased capital granted to any bank may be paid in such instalments, not exceeding four, as the directors thereof may determine, and whenever any instalment shall be actually paid in, and a certificate thereof forwarded to the secretary of state, as provided in the act granting the increase, such bank may operate upon the same in proportion to the amount so paid in, any law to the contrary notwithstanding.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXIV.

An Act in addition to an "act to incorporate the Fall River Mill-road, Rail-road and Ferry Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The Fall River Mill-road, Rail-road and Ferry Company are hereby authorized to enter, with their rail-road, upon the Boston and Providence Rail-road, at or near India point bridge, in the town of Seekonk, as is provided by the twelfth section of the act establishing the Boston and Providence Rail-road Corporation, paying a reasonable compensation therefor: *provided, however,* that the corporation created by the act to which this is an addition, shall enter the said Boston and Providence Rail-road, by such proper turnouts or switches as will not unreasonably incommode the travel upon the Boston and Providence Rail-road, and shall leave them in such a state as not to interfere with the free use of said road, and shall pay all expenses incident to and in consequence of any alterations necessary in said Boston and Providence Rail-road, to enable them to enter upon it in a proper manner.

Entry upon Boston and Providence Rail-road on certain conditions.

SEC. 2. Four fifth parts of that portion of the rail-road constructed by virtue of the act to which this act is an addition, which lies between the point where the said rail-road crosses the easterly ravine

which enters into Vial's creek in Seekonk, and the point where it enters upon the Boston and Providence Rail-road, shall, for all the purposes specified in the act to which this is an addition, be deemed to be in the state of Massachusetts.

Provisions in regard to the Rhode Island part of the road.

SEC. 3. The said corporation may expend such sums of money as shall be found expedient and necessary in constructing, completing and maintaining, in good repair, said rail-road, through that portion of the course thereof, that is included within the bounds of the state of Rhode Island and Providence Plantations: *provided*, that the same be done without any contravention of the laws of said state; *and provided, also*, that said corporation shall charge the same per mile for tolls and transportation, on that part of their road situated in the state of Rhode Island and Providence Plantations, as is charged on that part of their road situated in this state.

SEC. 4. The said company, in regard to the right of the Commonwealth to purchase said rail-road, and all the franchises of said company, shall be subject to the provisions of the eighty-fourth section of the thirty-ninth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, any thing contained in the eighteenth section of their act of incorporation to the contrary notwithstanding.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXV.

An Act to incorporate the Middlesex Mill-Dam Company in Charlestown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Henry Jaques, Abijah Goodridge, and Thomas Hooper, their associates and successors, are hereby made a corporation, by the name of the Middlesex Mill-Dam Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The said company are hereby authorized and empowered to locate, construct, and complete a mill-dam, from the upland, at or near the turpentine works, so called, in Charlestown, across the bay and flats, southwesterly of the present wharf of the state prison, to the upland, on the northerly side of Miller's creek, at or near the estate of the McLean asylum; which dam shall not be less than forty feet wide, nor more than sixty feet wide on the top, and may be so constructed, as that said company may erect mills and factories at the sides thereof. The said company are hereby also authorized to construct and maintain wharves, race-ways, sluice-ways, buildings, locks, gates, machinery, and all other things necessary or proper for mills and

Powers and privileges of the company.

factories at said dam ; and shall build and complete in said dam a lock sufficient for the accommodation of the Middlesex canal, and a sluice-way, not less than twenty feet wide, for the passage of rafts,—and may make any arrangements, they may deem needful, with the proprietors of said canal, concerning the building and completion of said dam and lock, and the management of said lock, and concerning the property owned by said proprietors, and lying northerly of said proposed dam. And said company shall have the right to demand and receive wharfage and dockage from all vessels lying at said dam, or at any wharf of said company ; and may sell and convey, or lease the right to use any of the water inclosed by their said dam, and also any mill-sites, lands, or other property of said company, on such terms as they may deem expedient. And whenever the county of Middlesex, or the town of Charlestown, with the consent of said company, shall accept a road passing over said dam, and assume the charge of keeping it in repair, the same shall be opened and used for all the usual purposes of a public highway forever, free from toll. And the said company may make any arrangements for laying on and over said dam the track or tracks of any rail-road corporation, upon such terms as the directors of the company hereby established, and of said rail-road corporation shall agree.

Amount of stock.

SEC. 3. The capital stock of the said Middlesex Mill-Dam Company shall consist of not less than three hundred, nor more than six hundred shares, the number of which shall be determined, from time to time, by said company, or by the directors thereof ; and no assessments shall be laid thereon of a greater amount in the whole than five hundred dollars on

each share. And the capital stock of said company shall be three hundred shares, until that number shall be increased in the manner herein before provided.

And if the said shares shall not have been subscribed for, and the corporation organized before the first day of January, in the year one thousand eight hundred and thirty-seven, or if said company shall not complete said dam, of the width of at least forty feet on the top thereof, on or before the first day of January, in the year one thousand eight hundred and forty, this act shall be void.

SEC. 4. His excellency the governor, by and with the advice and consent of the council, is hereby authorized to sell, exchange, or otherwise dispose of, to the said company, such part of the land and flats of the Commonwealth, lying without the walls and fences of the state prison, for the location and completion of said dam, in such manner, and upon such terms as they may deem for the interest of the Commonwealth,—and also make such arrangements with said company concerning the building of said dam, and the filling up of the flats, as shall be considered just and expedient. And said dam shall not be made until his excellency the governor, by and with the advice and consent of the council, shall have approved of the location and proposed mode of building of so much thereof, as shall be constructed over the land and flats of the Commonwealth near the state prison, nor until the company hereby established, shall have purchased of the proprietors of the Middlesex canal, their interest in the mills and mill-pond lying northerly of the proposed dam.

SEC. 5. The said company shall pay all damages which any corporation, person or persons, shall sustain by the building of said dam, or by the exer-

Time of completion, &c.

Governor and council may sell to company certain lands, &c.

Damages to other persons, &c.

cise of any of the rights and powers herein granted to said company,—which damages shall be recovered in the manner provided in the twenty-fourth and thirty-ninth chapters of the said Revised Statutes, for the recovery of damages for laying out highways and rail-roads: *provided*, that no application for damages shall be instituted against said company, unless made to the county commissioners of the county of Middlesex, within one year from the time when the same shall have happened.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXVI.

An Act to incorporate the Fulton Iron Foundry Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. George C. Thacher, Thomas Thacher, William G. Billings, their associates and successors, are hereby made a manufacturing corporation, by the name of the Fulton Iron Foundry Company, for the purpose of manufacturing iron and steel, in the city of Boston, in the county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The said corporation may hold, for the ^{Estate.} purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXVII.

An Act to incorporate the New Bedford and Fall River Rail-road Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Andrew Robeson, Harvey Chace and Charles W. Morgan, their associates and successors, <sup>Persons incorpo-
rated.</sup> are hereby made a corporation, by the name of the "New Bedford and Fall River Rail-road Company," with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in that part of the thirty-ninth chapter of the Revised Statutes, passed November the fourth, in the year one thousand eight hundred and thirty-five, which relates to rail-road corporations, and in the forty-fourth chapter of said Revised Statutes ; and said corporation is hereby authorized and empowered to construct and complete a rail-road from the eastern shore of Taunton Great River, at Robeson's wharf, in the town of Fall River, to County street, near the dwelling-house of John Avery Parker, in the town of New Bedford, through all that

Route of rail-
road.

portion of the course of said rail-road that is included within the bounds and jurisdiction of this Commonwealth. And the course and direction of said rail-road shall be as follows: beginning at station number one, on land of Andrew Robeson, in said Fall River, and thence proceeding south, sixty-eight degrees east, two hundred and eighty-four rods, to station number two; thence proceeding in a course to the right, with a radius of six thousand feet, one hundred and twelve rods, to station number three; thence south, forty-six and one quarter degrees east, one hundred and eighty-four rods, to station number four; thence on a curve to the right, with a radius of six thousand feet, eighty-four rods, to station number five; thence south, thirty-two and a quarter degrees east, one hundred and sixty rods, to station number six; thence on a curve to the left, with a radius of three thousand feet, sixty-eight rods, over the Narrows, so called, to station number seven; thence south, sixty-four and three fourths degrees east, one hundred and sixty-four rods, to station number eight; thence on a curve to the right, with a radius of twelve thousand feet, thirty-six rods, to station number nine; thence south, fifty-three degrees and a half east, nine hundred eighty-three rods and six tenths, to station number ten; thence on a curve to the left, with a radius of six thousand feet, one hundred and seventy-four rods, and eight tenths, to station number eleven; thence north, eighty-eight degrees east, twelve hundred and fifty-two rods and eight tenths, to station number twelve; thence on a curve to the right, with a radius of six thousand feet, two hundred and forty-four rods, to station number thirteen; thence south, thirty-five degrees and a half east, two hundred and twenty

rods, to station number fourteen; thence on a curve to the left, with a radius of three thousand feet, fifty-seven rods and six tenths, to station number fifteen; thence south, sixty-five degrees east, one hundred and seventy-six rods, to station number sixteen; thence on a curve to the right, with a radius of three thousand feet, forty rods, to station number seventeen; thence south, thirty-eight degrees east, sixty-eight rods, to station number eighteen; thence on a curve to the right, with a radius of six thousand feet, ten rods, to station number nineteen; and thence south, twenty-six degrees east, sixty-nine rods, and two tenths of a rod, to station number twenty, in the line of the westerly side of County street, in the town of New Bedford.

SEC. 2. The capital stock of said corporation shall consist of not less than two thousand, nor more than three thousand shares, of one hundred dollars each; and said corporation may purchase and hold such real estate as may be necessary for depots, and other purposes connected with the use of said road. Amount of stock.

SEC. 3. Said corporation shall be bound to make, and forever maintain, legal and sufficient fences on each side of said rail-road; and in case it shall neglect so to do, it shall be liable to the owners of the adjoining lands, for all damages arising from such neglect, in an action of debt, to be brought in any court proper to try the same. Fences, &c.

SEC. 4. At the expiration of five years from and after the completion of said rail-road, the legislature may, from time to time, alter or reduce the rate of tolls, and other profits, upon said road, but the said tolls shall not, without the consent of the corpora- Legislature may alter tolls.

tion, be so reduced as to produce, with said profits, less than ten per cent. per annum.

Entry of other roads.

SEC. 5. The Commonwealth may authorize any company to enter with another rail-road, at any point of this rail-road, paying for the right to use the same, or any part thereof, such rate of toll as the legislature may, from time to time, prescribe, and complying with such rules and regulations as may be established by the corporation hereby created.

Toll-houses, &c.

SEC. 6. The directors of said corporation, for the time being, are hereby authorized to erect toll-houses, establish gates, appoint toll-gatherers, and demand toll upon said rail-road, when completed, and upon such parts thereof as shall, from time to time, be completed.

Time of completion, &c.

SEC. 7. If the said company shall not have been organized, the location of the route filed according to law, and two thousand shares of the capital stock subscribed before the first day of September, in the year one thousand eight hundred and thirty-seven ; or if the said corporation shall fail to complete said rail-road, from the place of its termination at County street, in the said town of New Bedford, to the place of its termination, at or near the dam of the Wattuppa Reservoir Company, in said town of Fall River, on or before the thirty-first day of December, in the year one thousand eight hundred and forty, then this act shall be void.

Provisions respecting the Rhode Island part of the road.

SEC. 8. The said corporation may expend such sums of money as shall be found expedient and necessary in constructing, completing and maintaining, in good repair, said rail-road, through that portion of the course thereof that is included within the bounds of the state of Rhode Island and Providence Plantations : *provided*, that the same be done with-

out any contravention of the laws of said state: *and provided, also*, that said corporation shall charge the same per mile, for tolls and transportation, on that part of their road situated in the state of Rhode Island and Providence Plantations, as is charged on that part of their road situated in this state.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXVIII.

An Act to establish the Lafayette Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. George Page, Josiah Dunham, Jr. and George Savage, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Lafayette Bank, to be located in that part of the city of Boston, called South Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the privileges and powers, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed the fourth day of November, in the year one thousand eight hundred and thirty-five.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred and fifty thousand dol-

Amount of stock.

When to be paid
in.

lars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

SEC. 4. Two thirds of the directors shall be residents of that part of Boston called South Boston.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXIX.

An Act to establish the Seekonk Branch Rail-road Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Timothy P. Ide, Tristram Burgess and John W. Richmond, their associates and successors, are hereby made a corporation, by the name of the Seekonk Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in that part of the thirty-ninth chapter of Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, which relates to rail-road corporations, and in the forty-fourth chapter of said Revised Statutes. And said corporation is hereby authorized and empowered to locate, construct, and finally complete a rail-road, beginning at or near Old Wharf Point, so called, on the Seekonk river in Seekonk, and running north-

easterly across Rocky Point to some convenient point on the Boston and Providence Rail-road, near its termination at the rail-road bridge, a distance of about two thousand feet

SEC. 2. The capital stock of the corporation hereby created, shall consist of one thousand shares ; and no assessment shall be laid thereon of a greater amount, in the whole, than fifty dollars on each share ; and said corporation may purchase and hold, in the name of the corporation, such lands, and real estate, for depots, buildings and other erections, such materials and other things, as may be necessary in building, maintaining or using said road.

Amount of stock

Estate.

SEC. 3. If the said one thousand shares shall not have been subscribed for, and the corporation organized before the first day of October, in the year one thousand eight hundred and thirty-six, or if the location of said rail-road or at least that part thereof, which extends from Rocky Point to its entrance with said Boston and Providence Rail-road, shall not be filed according to law, or if said company shall fail to complete the said rail-road on or before the first day of September, in the year one thousand eight hundred and thirty-seven, then this act shall be void.

Time of completion, &c.

SEC. 4. The legislature may, after the expiration of four years from the time when this rail-road shall be opened for use, from time to time alter, equalize, or reduce the rate of tolls and other profits upon said rail-road ; but the said tolls shall not, without the consent of said corporation, be so reduced as to produce, with said profits, less than ten per cent. per annum.

Legislature may alter tolls.

SEC. 5. The said corporation are hereby authorized to enter with their said branch rail-road, on

Entry upon the Boston and Providence rail-road on certain conditions.

that part of the Boston and Providence Rail-road designated in the first section of this act, and use the same, or any part thereof, paying therefor such a rate of toll as the legislature may, from time to time, prescribe: complying with such rules and regulations as may be established by the Boston and Providence Rail-road Corporation, by virtue of the fifth section of their act of incorporation. But the corporation hereby created, shall enter the said Boston and Providence Rail-road, by such proper turn-outs or switches, as will not unreasonably incommode the travel upon the said Boston and Providence Rail-road, and shall keep them in such a state as not to interfere with the free and safe use of said road, and shall pay all expenses incident to, and in consequence of, any alterations necessary in the said Boston and Providence Rail-road, to enable them to enter upon it in a proper manner.

Entry of Fall river rail-road, &c.

SEC. 6. The Fall river mill-road, rail-road and ferry company, are hereby authorized, to enter with another rail-road at any point of said Seekonk Branch Rail-road, to use the same, or any part thereof, free of toll, complying with such rules and regulations as may be established by the directors of said Seekonk Branch Rail-road. And the legislature may authorize any other company to enter said branch, paying such rate of toll as they may from time to time prescribe, and complying with said rules and regulations.

First meeting.

SEC. 7. Any two of the persons named in this act, may call the first meeting of this corporation, by giving notice of the time and place thereof, at least ten days before the day of holding said meeting, and such notice shall be given by publishing the same twice in a semi-weekly or four times in a daily paper in Boston and Providence.

SEC. 8. The franchise, rights and property of this corporation shall never be directed, controlled or owned by the same persons, who for the time being, direct, control or own the southern termination of the Boston and Providence Rail-road, in the State of Rhode Island, or any part thereof, or of the wharves, docks and depot thereof; and any conveyance of any share, right or claim, in or to the stocks, estate, rights or privileges of the corporation hereby established, made to any person or persons, holding any share, right, or claim, in or to the stock, estate, rights or privilege of the said southern termination of said Boston and Providence Rail-road, in the State of Rhode Island, shall be null and void.

Certain persons excluded from owning, &c. stock of this corporation.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXX.

An Act to establish the Winthrop Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SEC. 1. Edward W. Bradley, John Heath and William Bacon, and their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Winthrop Bank, to be established in Roxbury, in the county of Norfolk, and shall so continue until the first day of October, in the year one thousand eight

Persons incorporated.

hundred and fifty-one, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth of November, in the year one thousand eight hundred and thirty-five.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Amount of stock.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in on or before the first day of January next.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXI.

An Act to incorporate the Proprietors of Swett's Wharf in Charlestown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorporated.

SEC. 1. Samuel Swett, William B. Swett and Tasker H. Swett, their associates and successors, are hereby made a corporation, by the name of the Proprietors of Swett's Wharf, with power to purchase, and hold, in fee simple or otherwise, all or any part of that real estate situated on Water street, in Charlestown, and known by the name of Swett's

Wharf, bounded northwesterly on Water street, northeasterly by the land and wharf known as Harris' wharf, southeasterly on the channel of Charles river, and southwesterly by the land of Benjamin Brintnal, with all the privileges and appurtenances to the said premises belonging, and the said corporation, within the limits aforesaid, may construct docks and wharves, erect warehouses and buildings, and improve and manage the said property as to them may seem expedient: *provided, however*, that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person.

Powers and privileges.

SEC. 2. The said corporation shall, at their first legal meeting, agree upon, and fix the number of shares, not exceeding two hundred, into which their stock shall be divided, which shares shall be transferable, in a book to be kept by the clerk of the corporation for that purpose; the corporation may, from time to time, assess on the stockholders such sums of money, not exceeding in the whole two hundred thousand dollars, as may be necessary for the purchase, improvement and mauagement of their said estates, and shall have all the powers and privileges, and be subject to all the liabilities and duties expressed and contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Number of shares, and amount of assessments.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXII.

An Act to incorporate the Boston Hydraulic Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. William Sullivan, Daniel P. Parker, Caleb Eddy, their associates and successors, are hereby made a corporation, by the name of the Boston Hydraulic Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, one thousand eight hundred and thirty-five.

Amount of stock.

SEC. 2. The capital stock of said company shall consist of one thousand shares, and no assessments shall be laid thereon of a greater amount, in the whole, than one thousand dollars on each share.

Powers and priv-
ileges.

SEC. 3. The said corporation may purchase, take, and hold in fee simple, or for any less estate, any lands necessary for the objects of this act, and for the convenient management of the concerns of said company, not exceeding in value the sum of two hundred thousand dollars ; and may take any ponds, or lands covered with water, situate northwardly of Charles river, and within twelve miles of the city of Boston, for the purpose of conducting water therefrom, through the town of Charlestown, in the county of Middlesex, and into and through the city of

Boston ; and to this end, may take and hold any lands necessary for laying aqueducts, forming reservoirs, and any flats flowed by tide waters, which may be required to carry the objects of this act into effect ; and may erect such wharves, and other buildings, as such corporation may find expedient, and establish such steam engines, and other machinery, as may be necessary for the purposes aforesaid : And if the proprietors of lands, which said corporation may take, at or near ponds, or elsewhere, for the purpose of laying pipes or conductors of water, constructing reservoirs, wharves, or other buildings, or for the protection of the ponds whence water is to be taken or drawn by said company, do not agree with said company on the price to be paid therefor, any such proprietor may have the damages assessed in the same manner as is provided in the one hundred and sixteenth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, and the said corporation, in all cases, where it does not acquire title to any land by voluntary conveyance, shall cause a certificate, describing the land so taken, to be signed by the president of said company, and recorded in the registry of deeds of the county in which the land lies.

Remedy to proprietors of lands taken, &c.

SEC. 4. The said corporation may erect dams at the outlets of any ponds, which said corporation may take, pursuant to the provisions of this act ; and if any person shall thereby be deprived of water, which has been accustomed to flow through or over his land, or if any land of any person shall be flowed, by means of raising the water by such dams, the party so injured may recover reasonable damages therefor, in the manner provided by the preceding section.

Erection of dams.

Laying of pipes,
&c.

SEC. 5. The said corporation is hereby authorized and empowered to lay its pipes or aqueducts, under or over any rail-road, canal, highway or street: *provided, always*, that the same be done in such manner, as not to obstruct or impede the passing thereon; and said corporation may lay its pipes and aqueducts under or near Warren bridge, now erected across Charles river, from the town of Charlestown to the city of Boston, through the whole length of said bridge and its abutments. *Provided, always*, that the same be so done as not to impede or obstruct the convenient passing on said bridge: *and provided, also*, that in laying said pipes and aqueducts, or in the use or repair thereof, from time to time, no damage or injury shall be done to said bridge: *and provided, further*, that the pipes or aqueducts be so laid in Charles river as not to obstruct or impede the free passage of any vessel thereon.

Laying of pipes,
&c.

SEC. 6. The said corporation, in laying its pipes or aqueducts, through the highways and streets of the town of Charlestown, and in the city of Boston, and in repairing such pipes and aqueducts, from time to time, shall not unnecessarily obstruct such highways and streets; and in every case of the removal of any earth or pavement in any such highway or street, the said corporation shall cause the earth to be replaced, and the pavement to be laid anew, so that such highway or street shall be in as good condition as the same were in before such removal.

Provisions re-
specting the use
of the water for
fires.

SEC. 7. In the laying and construction of the pipes or aqueducts which may be laid in the town of Charlestown, and in the city of Boston, the same shall be so laid and constructed, that water can be drawn therefrom for the extinguishment of fires, and

to be used by the persons thereto authorized by the town of Charlestown, and by the city of Boston, respectively, and free access to the water in such pipes and aqueducts shall be had whenever the same shall be laid within the city of Boston, and within that part of the town of Charlestown lying within or eastwardly of the Neck, so called; and the said town and city shall have the right, at their own cost respectively, to place fire-plugs, and all proper and necessary fixtures therefor, upon any pipes or aqueducts of said corporation, and at as many different places in the several highways and streets, as the selectmen of the said town, and the mayor and aldermen of the said city, shall deem needful, for the purpose of drawing water for the extinguishment of any fires which may happen in said town or city: *provided*, that the said fire-plugs and fixtures shall not be used for the purpose of drawing water from said pipes for any other use than for the extinguishment of fires; and shall be so constructed as to prevent the water in the pipes from running to waste; and the said corporation shall not demand or receive any compensation for water taken for the extinguishment of fires as aforesaid.

SEC. 8. If any person shall wilfully and maliciously defile, corrupt, or make impure, any pond or ponds, used by said corporation as aforesaid, or destroy or injure any dam, pipe, aqueduct, machinery, or other property of said corporation, such person, and all who shall aid or abet in such trespass, shall forfeit to the use of the said company, for every such offence, treble the amount of damages which shall appear on the trial to have been sustained thereby—and may further be punished by a fine not exceeding one thousand dollars, or may be imprisoned for a term not exceeding one year.

Penalty for injury to pipes, &c.

Sale of privilege
of using the wa-
ter.

SEC. 9. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted from the ponds as aforesaid, to any corporation, person or persons, said contracts to continue for no longer term than three years: *provided*, that no compensation shall be taken for the use thereof for the extinguishment of fires as aforesaid; and the said corporation may make all reasonable rules and regulations, as to the manner, and the times in which said water may be taken and used.

Appropriation of
ponds, &c.

SEC. 10. Whenever the said corporation shall have appropriated any pond or ponds, or any lands, which it may deem necessary and proper for carrying the purposes of this act into effect, no other corporation, person or persons, shall enter upon such pond or ponds, or land, for the purpose of conducting the waters in such pond or ponds, or any streams connected therewith, into the city of Boston or town of Charlestown; nor draw the same out of said pond or ponds for any purpose whatsoever; but such waters shall be, and remain to, and for the use of said corporation, so long as said corporation shall supply the town of Charlestown and the city of Boston with water from said ponds, according to the true intent and meaning of this act.

Record of pro-
ceedings, &c.

SEC. 11. The said corporation shall cause a true and faithful record of its proceedings, and just and accurate accounts, to be kept, which books and accounts shall be subject, at all times, to the inspection of any committee appointed by the general court, or by a committee appointed by the city council of Boston; and all officers and agents of said corporation, shall be liable to examination on oath by either of said committees.

SEC. 12. The city of Boston shall have the right to subscribe (in common with others) for one third part of the shares in said corporation, or any less proportion thereof; and the said city may, at any time, purchase of the said corporation their franchise, and all their personal and real property, by paying therefor such a sum, as together with their receipts, will reimburse the whole amount expended, with an annual interest of ten per cent., and from and after the execution and delivery of the conveyance and transfer aforesaid, the said city of Boston shall have all the rights, and be subject to all the duties in this act expressed, as to said corporation; and especially as to continuing the supply of water to the town of Charlestown.

Boston may subscribe a certain proportion, &c.

SEC. 13. If the said corporation shall not have begun to carry this act into effect, by actually laying pipes and aqueducts, within three years from the passing of this act; or if the whole of the works necessary to bring water into the city of Boston, shall not have been completed, and put to that use within six years after the passing of this act, then, and in either of said cases, this act shall be void.

Time of beginning and completion.

SEC. 14. This act shall be void, unless the city council of the city of Boston shall, within four months after the passage thereof, declare, by vote, their assent thereto; and, if such assent be obtained, this act, and an attested copy of the record of such assent, shall be recorded in the registry of deeds for the county of Suffolk.

Assent of Boston.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXIII.

An Act to abolish Special Pleading in civil actions.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. In every civil action hereafter to be tried in the supreme judicial court, or court of common pleas, all matters of law or of fact in defence of such action may be given in evidence under the general issue, and no other plea in bar of such action shall be pleaded.

SEC. 2. The respective courts aforesaid are hereby authorized to pass such general and special rules and orders, respecting notice to the opposing party, of matters intended to be given in evidence by either party to a suit, as shall be necessary to prevent surprise, and to afford opportunity for preparation for trial.

SEC. 3. Whenever a plaintiff, in any action, shall have mistaken the form of action suited to his claim, the court on motion, shall permit amendments to be made on such terms as they shall adjudge reasonable, and all special demurrers are hereby forever abolished.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXIV.

An Act to establish the Chelsea Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Henry H. W. Sigourney, Charles H. Stedman and Charles Hubbard, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Chelsea Bank, to be established in Chelsea, and shall so continue, until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the thirty-sixth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five. Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking house and in its books.

SEC. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided*, the whole be paid in, on or before the first day of January next. Amount of stock. When to be paid in.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXV.

An Act relating to certain Courts in the County of Middlesex.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Certain terms which have been holden at Concord to be hereafter holden in Lowell.

SEC. 1. The term of the Supreme Judicial Court which is now by law to be holden at Concord, within and for the county of Middlesex, on the second Tuesday of April annually, shall, on the second Tuesday of April, in the year one thousand eight hundred and thirty-seven, and each year thereafter, be holden at Lowell in said county : And the term of the Court of Common Pleas, which is now by law to be holden at said Concord on the second Monday of September annually, shall, on the second Monday of September, in the year one thousand eight hundred and thirty-seven, and each year thereafter be holden at said Lowell.

Returns of writs, &c.

SEC. 2. All writs and processes of whatever nature, civil or criminal, now pending, or hereafter to be commenced in the Supreme Judicial Court, or Court of Common Pleas, which are, or may be made returnable at either of the terms aforesaid at Concord, shall be returned to, have day in, and be acted upon, at the terms of said courts, as by this act established at Lowell.

This act to be void, unless certain conditions are fulfilled by Lowell.

SEC. 3. This act shall be wholly void and of no effect, unless the town of Lowell shall, on or before

the first day of March next, without expense to the county of Middlesex, provide a suitable court room and other accommodations for said courts and their officers, and a jail for the safe keeping of prisoners, the expense of which jail shall not exceed ten thousand dollars, in said Lowell, to the acceptance of the county commissioners for the county of Middlesex, and execute and deliver to them a sufficient lease or other instrument to secure the use thereof, for the purposes aforesaid permanently to the said county. And the said commissioners shall cause a record of such instrument to be made by their clerk, and shall, as soon thereafter as may be, cause a notice of the fact that such provision has been made, and of its acceptance by them, to be published three weeks successively in all the newspapers then printed in the county of Middlesex, and in one or more of the newspapers in the city of Boston: And said town is hereby authorized to raise and assess a sufficient sum for the purpose of providing said accommodations for said courts and erecting said jail.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXVI.

An Act to incorporate the Boston Exchange Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SEC. 1. Robert G. Shaw, John D. Bates and Persons incorporated.

James K. Mills, their associates and successors, are hereby made a corporation by the name of the Boston Exchange Company ; with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Estate.

SEC. 2. The said corporation may purchase, hold and possess such real estate, situate in the city of Boston, as they may deem needful for an exchange, and for the accommodation of merchants and others, not exceeding in the whole fifty thousand square feet ; and may sell, convey, lease, mortgage or otherwise dispose of the same or any part thereof, as they shall deem expedient.

Amount of stock,
assessments, &c.

SEC. 3. The capital stock of said Boston exchange company, shall consist of not less than six hundred shares, nor more than one thousand shares, the number of which shall be determined from time to time, by said corporation or by the directors thereof ; and no assessment shall be laid thereon of a greater amount in the whole than five hundred dollars on each share, and the capital stock of said corporation, shall be six hundred shares, until that number shall be increased in the manner aforesaid.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXVII.

An Act concerning Jailers Fee.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The several jailers of the county jails, shall be entitled to receive a fee of twenty cents for each and every prisoner, committed or discharged, any thing in the Revised Statutes to the contrary notwithstanding.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXVIII.

An Act concerning County Commissioners.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Whenever the county commissioners in any county shall be called upon under the authority of law, and upon the application of any individual or corporation, to estimate or assess damages sustained by reason of property taken or intended to be taken for the purposes of any rail-road or other corporation, or to perform any other official act in relation to the

Parties applying for damages in certain cases, shall enter into recognizance, &c

doings of such corporation, the said commissioners, before they shall proceed to estimate or assess such damages, shall require the party making such application to enter into a recognizance to the county, with sureties to the satisfaction of the commissioners, for the payment of all costs and expenses which shall arise by reason of such application and the proceedings thereon ; and the same remedy shall be had upon said recognizance, to enforce the payment of such costs and expenses, as is provided in the twenty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, in the case of recognizances entered into under the provisions of that chapter.

SEC. 2. The commissioners, whenever the application aforesaid shall be made by the party whose property has been taken, or is intended to be taken by such rail-road or other corporation, in case any damage shall be assessed, shall, in addition thereto, include in their estimate or assessment the amount of costs and expenses incurred by reason of the said application and the proceedings of the commissioners thereon.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXIX.

An Act relating to Contracts for the sale of Stocks.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

All contracts, written or oral, for the sale or transfer of any certificate or other evidence of debt due by or from the United States, or any separate state, or of any stocks, or of any share or interest in the stock of any bank, or of any company, city or village incorporated under any law of the United States, or of any individual state, shall be absolutely void, unless the party or parties contracting to sell or transfer the same, shall, at the time of making such contract, be the owner or assignee thereof, or shall be duly authorized by some person who is the owner or assignee, or by the legally authorized agent of such owner or assignee, to sell or transfer the said certificate or other evidence of debt, share or interest, so contracted for.

Contracts to be
void in certain
cases.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXX.

An Act to increase the Capital Stock of the Market Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Amount of increase.

SEC. 1. The President, Directors and Company of the Market Bank are hereby authorized and empowered to increase their capital stock, by an addition of five hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct and determine : *provided*, the whole shall be paid in on or before the first day of October next.

SEC. 2. The additional stock to be created by virtue of this act shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. Before the said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXXI.

An Act to authorize the Taunton Branch Rail-road Corporation, to increase their capital stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Taunton Branch Rail-road corporation, are hereby authorized to increase their capital stock to an amount not exceeding fifty thousand dollars, by the creation of an additional number of shares, not exceeding five hundred, of one hundred dollars each; the said shares to be disposed of in such manner as the corporation shall determine, and to be assessed as the directors shall find expedient; the amount thus raised, to be applied to the purposes specified in their act of incorporation.

Amount of increase.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXXII.

An Act to establish the Hancock Free Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Francis Bowman, Isaac Livermore, Sidney Willard, their associates and successors, are hereby made a corporation, by the name of the Hancock Free Bridge, for the purpose of erecting a bridge across Charles River, and for other purposes herein specified ; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five.

Powers, privileg-
es and duties of
the corporation.

SEC. 2. The said corporation are hereby authorized to locate and construct a bridge across Charles River, beginning at a point at or near the northwesterly end of Allen street, in the city of Boston, and extending thence to the opposite shore of said river in Cambridge, at some convenient point between the West Boston Bridge and Canal Bridge, together with a suitable road or way to connect the said Bridge with Allen street aforesaid, and with the main street or road in said Cambridge, and for that purpose to take a quantity of land extending the whole length of the said bridge and ways, and not exceeding sixty feet in width, except for the erection of

piers near the draw, said land to be used only for the purpose of a bridge and ways as aforesaid; said bridge shall have a good and sufficient draw, as wide as the draw of the present Charles River Bridge, which draw shall be located by commissioners, to be appointed by the governor, with the advice of the council, at the expense of said corporation; and said corporation shall construct a pier wharf near said draw, on each side of said bridge, for the accommodation of vessels passing through the same, of such form and dimensions, and extending in such directions as said commissioners shall direct and appoint, said draw and wharves to be planked upon the inside from the top of low water to the top of said draw and wharves, together with such other facilities and accommodations for the passage of vessels through said bridge, as said commissioners shall direct to be made; said bridge, draw and wharves shall be built of good and sufficient materials, the bridge to be not less than forty-four feet in width, from outside to outside, with a good footway on each side thereof.

SEC. 3. The said corporation shall be held liable to keep said bridge and draw in good repair, and to raise the draw, and afford all necessary and proper accommodation to vessels having occasion to pass the same, by day or by night; and shall, when necessary, keep said bridge sufficiently lighted by lamps on each side of the same, not exceeding seventy feet apart; and if any vessel shall be unreasonably delayed in passing said draw, by the negligence of said corporation or their agents, in discharging the duties enjoined by this act, the owners or commanders of such vessels may recover reasonable

Damages for unreasonable delay of vessels.

damages therefor, of said corporation, in an action on the case before any court proper to try the same.

Compensation to
persons injured,
&c.

SEC. 4. Said corporation shall be holden to make compensation to any person, or corporation, whose real estate shall be taken for the use of said bridge, and if there should be a difference of opinion as to the value of the same, either party may apply to the court of common pleas, in the county where such real estate lies, for a committee to estimate the damage such person, persons or corporation will sustain ; and, upon such application, the court, after ten days' notice to the adverse party to appear and show cause why such committee should not be appointed, shall, if no good reason be shewn to the contrary, appoint three or five disinterested freeholders within the county, who being first sworn before some justice of peace, and giving due notice to the parties to appear, if they see fit, for a hearing, shall proceed to the duties of their appointment, and estimate the value of real estate taken as aforesaid, and shall make return of their doings, as soon as may be to said court ; and upon acceptance of said report, judgment may be given thereon, with costs, to either party, according to the discretion of the court : *provided*, that in all cases either party may claim a trial by jury, as in similar cases when lands are taken for public uses.

Second section
of this act to be
void in a certain
event.

SEC. 5. The second section of this act shall be void and of no effect, if, on or before the first day of June next, the West Boston Bridge Corporation, by a vote at a legal meeting, shall agree to sell their bridge and the franchise thereof to said Hancock Free Bridge Corporation, for such a sum as three disinterested men, or a major part of them, one to be selected by said West Boston Bridge corporation,

one by the said Hancock Free Bridge Corporation, and the third to be selected by the two thus chosen by said corporations, shall appraise the same to be worth. And the said West Boston Bridge Corporation are hereby authorized to make the aforesaid transfer of their bridge and the franchise thereof. And on the completion of said transfer, the West Boston Bridge shall be forever free from toll, and be kept up and maintained, subject to all the provisions of this act, as far as the same may be applicable, unless otherwise provided for by law : *provided*, if the said Hancock Free Bridge, and the roads leading thereto, shall not be completed and open for travel in four years from the passing of this act, then this act shall be null and void.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXXIII.

An Act to repeal "an Act to establish the People's Bank."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. "An act to establish the People's Bank," passed on the twenty-fifth day of March, in the year one thousand eight hundred and thirty-three, is hereby repealed : *provided*, that nothing in this act shall be so construed, as to absolve the said corporation,

Liability of corporation, &c. in certain cases not impaired.

or any director or stockholder thereof, from any liability created by the act hereby repealed.

SEC. 2. This act shall take effect from and after the first day of April next.

[Approved by the Governor, April 16, 1836.]

CHAP. CCLXXXIV.

An Act to repeal the Charter of the State Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Liability of corporation, &c. in certain cases not impaired.

SEC. 1. So much of an act to continue the banking corporations therein named and for other purposes, passed on the twenty-eighth day of February, in the year one thousand eight hundred and thirty-one, as provides for the continuance of the charter of the President, Directors and Company of the State Bank in Boston, capital stock eighteen hundred thousand dollars, is hereby repealed, and the charter of the said State Bank is hereby declared forfeit and void : *provided*, that nothing in this act shall be so construed, as to absolve the said corporation, or any director or stockholder thereof, from any liability created by the act hereby repealed.

SEC. 2. This act shall take effect from and after the first day of April next.

[Approved by the Governor, April 16, 1836.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JUNE 11, 1836.

I HEREBY CERTIFY, that I have compared the printed copy of the Acts contained in this Pamphlet, with the Original Acts, as engrossed on parchment, and passed by the Legislature, and find the same to be correct.

JOHN P. BIGELOW,

Secretary of the Commonwealth.

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